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39TH ANNUAL REPORT
OF THE
INTERSTATE COMMERCE
COMMISSION

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DECEMBER 1, 1925



WASHINGTON
GOVERNMENT PRINTING OFFICE
1925

THE INTERSTATE COMMERCE COMMISSION

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GEORGE B. McGINTY, *Secretary.*

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REPORT OF THE INTERSTATE COMMERCE COMMISSION

WASHINGTON, D. C., December 1, 1925.

To the Senate and House of Representatives:

The Interstate Commerce Commission has the honor to submit herewith its thirty-ninth annual report to the Congress. The period covered by this report extends from November 1, 1924, to October 31, 1925, except as otherwise noted.

A statement of appropriations and aggregate expenditures for the fiscal year ended June 30, 1925, is embodied in Part I of this report. The names of employees and the expenditures in detail are set forth in Part II.

COOPERATION BETWEEN FEDERAL AND STATE COMMISSIONS

The plan providing for active cooperation between this commission and the several State commissions, promulgated May 3, 1922, by a representative joint committee, later formally adopted by us and, as we are advised, by a number of the State commissions, is published as Appendix H to our thirty-sixth annual report.

November 3, 1924, following a conference between our committee and the resident general solicitor for the National Association of Railroad and Utilities Commissioners, we adopted two provisions for addition to the plan. These provisions were communicated by the general solicitor to the several State commissions, and brought to the attention of our examiners, for their information and guidance, by a memorandum of the chief examiner, December 1, 1924, appearing as Part I of Appendix G hereto.

During the annual convention of the national association at Washington, D. C., October 13-16, 1925, at which 41 of the 47 State commissions were represented, a joint report of our committee and a like committee of the association, embracing the original plan with some revision and rearrangement and, in substance, the two additional provisions above mentioned, was submitted to and unanimously adopted by the association. The strengthened cooperative plan embodied in that report was also formally adopted by us October 17, 1925. The joint report appears as Part II of Appendix G hereto.

A cursory check of our records discloses that since the promulgation of the plan, 3 State commissions have cooperated with us in car-service cases, 36 in cases concerning construction or abandonment of railroads, and 41 in rate cases in which interstate-intrastate

rate relationships were in some manner involved. Some of these States have cooperated with us in more than one case. With some no occasion has arisen for cooperative action in rate or convenience and necessity cases, and this is true as to most States in car-service cases.

RECOGNITION OF ROUTES OVER CANADIAN RAIL LINES AND WATER CONNECTIONS

Section 27 of the merchant marine act, 1920, provides that no merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States in any vessel other than such as is there specified except that the section shall not apply to merchandise transported between points within the continental United States over through routes heretofore or hereafter "recognized" by us for which routes rate tariffs have been or shall hereafter be filed with us when such routes are in part over Canadian rail lines and their own or connecting water facilities.

In *Rail-Lake-and-Rail Rates via Canada*, 96 I. C. C. 633, we were called upon to consider joint rates between eastern and western points in the United States over routes which are in part over Canadian rail lines in connection with a Canadian owned and operated steamship line. We pointed out that the meaning and purport of recognition is nowhere stated; that we are nowhere advised whether the mere receipt and placing in our files of tariffs constitutes recognition or whether something more is necessary and that we are not provided with a test or criterion by which to determine under what circumstances and in what cases recognition may be accorded, denied, or revoked. Under the section, recognition by us merely operates to stay the application of the section. The duty of administering the merchant marine act, 1920, does not rest upon us and it is not within our province to construe its provisions, the question of forfeiture of merchandise transported in violation of the provisions of the section being a question to be determined by the courts. The proceeding was discontinued. In a separate expression of dissent it was urged that this disposition left the matter in uncertainty and that we should take some definite position with respect to the fact of recognition by us of the route considered.

If it were the intent of the Congress that we should affirmatively "recognize" such routes it would seem that the statute should be clarified not only in that respect but also to furnish us with some legislative standard by which to determine the intent of the Congress with respect to what shall constitute recognition.

PUBLICATION OF SHIPPING LISTS

Under paragraph (1) of section 25 of the interstate commerce act every common carrier by water in foreign commerce whose vessels are registered under the laws of the United States is required to file with us schedules showing for each of its steam vessels intended to load cargo at ports in the United States for foreign destinations (a) the ports of loading, (b) the dates upon which such vessels will commence to receive freight and dates of sailing, and (c) the route and itinerary such vessels will follow and the ports of call for which cargo will be carried.

By paragraph (3) we are authorized to make regulations governing the manner and form in which this information shall be furnished. We are also required to publish in compact form, for the information of shippers of commodities throughout the country, the substance of such schedules, and to furnish the publications to all railway carriers subject to the act in such quantities that they may supply a copy to each of their freight agents in specified cities and towns, the intent being that each shipping community sufficiently important, from the standpoint of the export trade, to be so specified by us, shall have opportunity to know the sailings and routes and to ascertain the transportation charges of such vessels engaged in foreign commerce.

Our experience leads us to believe that, owing to daily fluctuations in schedules of sailings, routes of vessels, names of vessels on particular routes, and itineraries, and to the time necessarily consumed in compiling these shipping lists, such publications are of little if any practical benefit to the shippers. The use made of such publications does not appear to be such as to warrant the considerable expense of compiling, printing, and distributing them. Our outlay for printing these monthly publications aggregated \$3,844.66, \$6,026.92, and \$8,263.14 in the fiscal years 1923, 1924, and 1925, respectively, the total to date aggregating \$20,462.23. Shippers, upon application of the rail carrier, can readily obtain accurate and up to date information with respect to the sailings, routes, and transportation charges of water carriers, whereas the information contained in the sailing lists published by us, although wholly accurate and reliable upon the date of its transmission to us, may have become entirely inaccurate and even misleading by the time it reaches the public.

In view of these and other considerations more fully set forth in our annual report for 1922 we renew the recommendations therein made that section 25 be so amended as to relieve carriers by water in foreign commerce from filing with us the data required by paragraph (1) of the section and also relieve us from the duty of preparing and issuing the publications.

EFFICIENCY RATINGS

In compliance with the directions contained in section 9 of the classification act of 1923, the employees of this commission have twice been rated under the system devised by the Bureau of Efficiency. The results have been unsatisfactory and we respectfully request that all persons in our organization be exempted from these requirements.

At the outset we desire to state that our recommendation should not be construed as a criticism of the Bureau of Efficiency and others charged with the administration of these matters. On the contrary, we wish to state expressly that they have cooperated with us to the fullest extent possible and have done everything within their power to make the new requirements a success.

Our present organization has been built up through many years. We believe that from the standpoint of ability to do the work, enthusiasm and devotion to duty, and from any other standpoint, our organization compares favorably with any other organization in the country, public or private. A splendid spirit has prevailed among its members. They appreciate the importance of the public service in which they are engaged and uncomplainingly perform extra duties whenever necessary. No system of efficiency rating and classification could add anything to the quality and quantity of work performed by them at the time the system of ratings was introduced. Employees had for years been selected and promoted strictly on a merit basis. No system of efficiency ratings could add anything to this. Its introduction has resulted in no good and much harm. Many employees have felt pangs of injustice, inherent in the system, for which there are no compensating advantages. The system has tended to generate discord and discriminations and in some cases to lower working efficiency. We have been compelled to devote much time, and therefore money, to the application of the system, which could have been devoted more advantageously to other services. We do not know what the advantages and disadvantages of the prescribed rating system may be in other branches of the Government, but we are emphatic in the declaration that we can maintain a better organization without it than with it.

RAILROAD EARNINGS

The total railway operating revenues of Class I steam railways, excluding switching and terminal companies, for the calendar year 1924 amounted to \$5,921,490,100 as against \$6,289,580,027 for 1923, a decrease of more than \$368,000,000, or 5.85 per cent, in 1924 compared with the preceding year. Operating expenses for 1924 amounted to \$4,507,845,037 as against \$4,895,166,819 for 1923, a decrease of 7.91 per cent. Net railway operating income in 1924

was \$973,870,978 and in 1923 \$961,955,457, an increase of 1.24 per cent. The operating ratio for 1924 was 76.13, which was 1.70 less than for 1923.

The largest amount of net railway operating income ever earned by our steam railways in a calendar year was in 1916, when, for the class above stated, the amount was \$1,040,084,517. This was \$66,213,539 more than in 1924, a difference of 6.37 per cent in favor of the record year. The operating ratio in 1916 was 65.54 as against 76.13 in 1924.

A partial explanation of these different results nearly a decade apart is that in 1916 the proportion of revenues going into the pay roll of these roads was 40.8 per cent, whereas in 1924 it was 47.7 per cent. The increase in costs of material and supplies and other expenses, and an increase of taxes, generally account for the remainder.

Railway tax accruals in 1924 amounted to \$342,459,598, an increase of 2.83 per cent over 1923. In 1916 they amounted to \$163,450,852. The steam railway tax bill in 1924 was thus 109.52 per cent higher than in 1916.

In our last report we said of the preceding calendar year:

As the annual net railway operating income has been recently less than \$1,000,000,000, it is safe to say that the return of $5\frac{3}{4}$ per cent upon fair value is not being received by the carriers.

Large additions have been made to capital account for improved facilities and equipment since that report was written, and the net railway operating income for 1924 was \$973,870,978, or only 1.24 per cent more than for 1923.

The net railway operating income for the eight months ended with August, 1925, was \$651,883,260; that for the corresponding period of 1924 was \$554,886,471, while for a like period in 1923, the calendar year of largest total revenues and heaviest volume of traffic, this item was \$618,964,978. Therefore, for that part of the current calendar year for which data are available at the time this report is written, increases of 17.48 per cent over the corresponding period of 1924 and of 5.32 per cent over the same for 1923 are shown. These better results have been largely accomplished by the lowering of the operating ratio, which for the eight months' period of 1925 was 75.81 as compared with 78.12 for 1924 and 78.38 for 1923. Prognostications of total earnings for an entire year based upon returns for a portion of the year might be made, but the seasonal variations and other uncertain factors affecting earnings would make such estimates of doubtful value. It is, however, apparent from the current reports of freight-car loadings, that the traffic records of 1925 are likely to run into very high figures.

We again call attention to the fact that "net railway operating income" takes no account of various nonoperating income items or of interest charges, and that when these and related items are taken into account, the result is called, in official reports, "net income."

As to railway earnings in the several geographical districts, the following table gives the railway operating revenues, net railway operating income, and operating ratios for the eight months ended with August, and the increases or decreases, in terms of percentage, compared with the corresponding periods of the two preceding years:

For 8 months ended with August, 1925	United States	Eastern district	Southern district	Western district
Railway operating revenues, 1925.....	\$3, 929, 800, 053	\$1, 807, 424, 914	\$706, 446, 705	\$1, 415, 928, 434
Per cent of increase or decrease versus 1924.....	Increase 2. 85	Increase 3. 02	Increase 5. 94	Increase 1. 16
Per cent of increase or decrease versus 1923.....	Decrease 5. 39	Decrease 8. 97	Increase 2. 51	Decrease 4. 27
Net railway operating income, 1925.....	\$651, 883, 260	\$302, 222, 083	\$145, 473, 149	\$204, 188, 028
Per cent of increase or decrease versus 1924.....	Increase 17. 48	Increase 19. 58	Increase 22. 97	Increase 11. 06
Per cent of increase or decrease versus 1923.....	Increase 5. 32	Decrease . 58	Increase 21. 39	Increase 4. 63
Operating ratio, 1925.....	75. 81	75. 93	72. 98	77. 06
Per cent of increase or decrease versus 1924.....	Decrease 2. 31	Decrease 2. 40	Decrease 3. 37	Decrease 1. 63
Per cent of increase or decrease versus 1923.....	Decrease 2. 57	Decrease 2. 16	Increase 4. 01	Decrease 2. 37

The accompanying chart shows the monthly variation in railway operating revenues, expenses, and income of Class I steam railways from January, 1921, to September, 1925, inclusive. The supporting figures will be found in Appendix C.

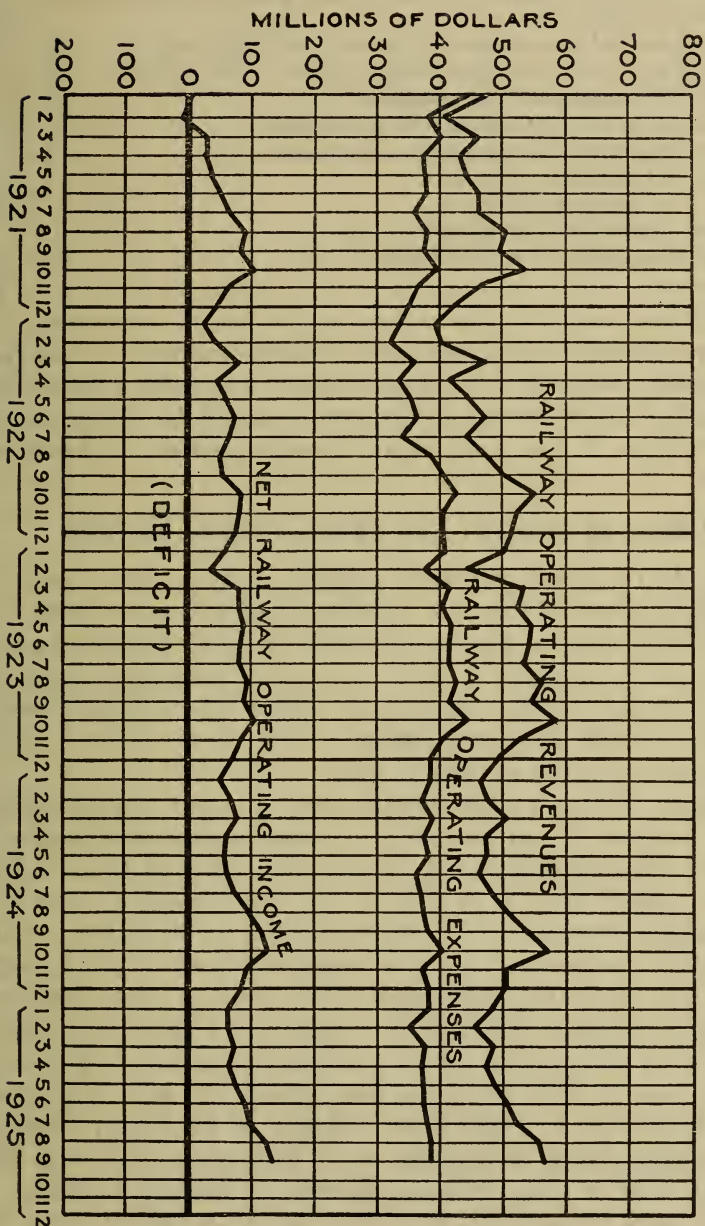
In other chapters of this report, under the titles, "Bureau of Service" and "Bureau of Statistics," and in various tables in the appendix, data will be found showing the trend of railway operating results in the present and former years.

SHORTENED PROCEDURE

In our report for 1923 we described the shortened procedure. Some modifications have since been made in the rules, but whether or not the present rules will be made permanent has not yet been determined.

During the year the use of the shortened procedure was suggested by one or more of the parties in approximately 40 per cent of the cases placed on the shortened procedure docket.

RAILWAY OPERATING REVENUES, EXPENSES, AND NET RAILWAY OPERATING INCOME,
BY MONTHS: CLASS I STEAM RAILWAYS IN THE UNITED STATES.



The results, since the inception of this procedure, are shown below:

Number of cases:

Suggested for handling under the shortened procedure, either by us or by the parties.....	1, 389
In which method not accepted by one or more of the parties.....	333
In which agreement was subsequently reached by the parties making further formal proceedings unnecessary—	
Before service of complainant's memorandum.....	61
After service of complainant's memorandum.....	56
Transferred to suspense calendar.....	14
In which complaints withdrawn.....	64
Dismissed for want of prosecution.....	3
In various stages short of submission.....	289
Submitted.....	229
Decided.....	340

In cases thus far decided which were handled under the shortened procedure the average time required to reach a decision has been 353 days from the date of receipt of the complaint and 241 days from the date of receipt of the complainant's memorandum of facts and argument.

BUREAU OF SIGNALS AND TRAIN-CONTROL DEVICES

As stated in our last report we adopted in June, 1922, specifications and requirements for the installation of automatic train-stop or train-control devices, and by order served on 49 carriers directed each to install by January 1, 1925, upon a full passenger-locomotive division, included within a designated portion of its lines, a device in accordance with these requirements. This order of June, 1922, is commonly referred to as the first order.

In January, 1924, we adopted and served a second order requiring 47 of the original 49 carriers each to install such a device upon a second full passenger-locomotive division, and each of 45 additional carriers to install such a device on one full passenger-locomotive division within designated limits upon its lines by February 1, 1926. Subsequently, for cause shown, we exempted three of the 45 additional carriers from the requirements of the second order and later, after hearing, suspended the effective date thereof until further order in so far as it affected the other 42 additional carriers. For cause shown, we also exempted four carriers, namely, Western Maryland, Buffalo, Rochester & Pittsburgh, Chicago & Erie, and Chicago, St. Paul, Minneapolis & Omaha, from compliance with the first order, and three of these, Western Maryland, Buffalo, Rochester & Pittsburgh, and Chicago, St. Paul, Minneapolis & Omaha, from the second order; also the Kansas City Southern, the Oregon-Washington Railroad & Navigation Co., and the Pittsburgh & Lake Erie from the second order.

Two carriers, namely, the Richmond, Fredericksburg & Potomac and the West Jersey & Seashore, which were included in the first order were omitted from the second order, as each of them had only one passenger division.

At the time our first order was issued there was one completed installation on a full passenger-locomotive division of the Chicago, Rock Island & Pacific, one on the Chicago & Eastern Illinois, and one on the Chesapeake & Ohio. These three installations are included under the order.

The orders in effect as of November 1, 1925, require 45 carriers under our first order to install one of these devices, in accordance with our specifications and requirements, on one full passenger-locomotive division. Under our second order 41 of the 45 carriers named in the first order are required to install one of these devices on one additional passenger-locomotive division; a total of 86 full passenger-locomotive divisions on which these devices are required to be installed under both orders.

Of the 45 carriers under our first order those named below have completed the required installation, as follows:

Carrier	Miles to equip and equipped	Locomotives to equip and equipped	Carrier	Miles to equip and equipped	Locomotives to equip and equipped
A., T. & S. F.-----	104.5	52	M. P.-----	49.9	38
C. R. R. of N. J.-----	65.6	30	N. P.-----	109.0	33
C., B. & Q.-----	82.1	55	N. & W.-----	107.0	41
C. & E. I.-----	105.4	134	N. Y., N. H. & H.-----	62.0	60
C. & O.-----	61.0	46	O. W. R. R. & N.-----	84.0	33
C., R. I. & P.-----	165.5	102	Reading.-----	55.5	44
D., L. & W.-----	140.5	65	St. L.-S. F.-----	40.0	36
G., H. & S. A.-----	51.0	40	S. P.-----	75.0	73
G. N.-----	121.0	35	U. P.-----	102.0	95
I. C.-----	123.0	53			

Total carriers, 19; miles equipped, 1,704; and locomotives equipped, 1,065.

The installations on 10 of the last-named carriers have received final inspection and test by our engineers and three of these 10 installations, namely those on the Chicago, Rock Island & Pacific, Chicago & Eastern Illinois, and Oregon-Washington Railroad & Navigation Co., have been found to meet our specifications and have been approved with certain stated requirements.

The results of the final inspection and test on 7 of the 10 carriers, namely, Chesapeake & Ohio, Chicago, Burlington & Quincy, Galveston, Harrisburg & San Antonio, Norfolk & Western, St. Louis-San Francisco, Southern Pacific, and Union Pacific, are now under consideration.

Extended observations of operation have been conducted on the Atchison, Topeka & Santa Fe, Norfolk & Western, and Reading.

The following tabulations ¹ show the actual and the relative progress made by the remaining 26 carriers which have not yet completed their respective installations:

Less than 20 miles equipped (12)

Carrier	Miles to equip	Miles equipped	Locomotives to equip	Locomotives equipped
B. & A.....	101.0	0.0	147	0
B. & O.....	36.3	0.0	129	0
B. & M.....	105.6	13.8	133	4
C., C. C. & St. L.....	128.3	0.0	70	0
K. C. S.....	104.0	14.0	47	6
L. I.....	19.5	3.0	{ 1 457 }	3
N. Y. C.....	148.5	0.0		
M. C.....	74.5	0.0	320	0
Pennsylvania.....	83.2	10.0	50	0
P. & L. E.....	65.8	0.0	162	0
P., C. C. & St. L.....	187.5	0.0	70	0
W. J. & S. S.....	58.4	0.0	139	0
			146	0

¹ Multiple unit cars.

Twenty and less than 30 miles equipped (6)

Carrier	Miles to equip	Miles equipped	Locomotives to equip	Locomotives equipped
C. & A.....	126.6	20.0	46	10
C., I. & L.....	67.7	20.0	30	6
Erie.....	104.2	20.0	76	8
L. V.....	65.0	25.0	150	10
N. Y., C. & St. L.....	142.6	20.0	36	6
R., F. & P.....	101.6	20.0	66	8

Thirty and less than 50 miles equipped (2)

Carrier	Miles to equip	Miles equipped	Locomotives to equip	Locomotives equipped
C., M. & St. P.....	108.1	41.0	50	20
D. & H.....	113.0	30.0	63	5

Fifty miles or over equipped (6)

Carrier	Miles to equip	Miles equipped	Locomotives to equip	Locomotives equipped
A. C. L.....	119.9	119.9	44	23
C. & N. W.....	149.0	149.0	112	57
C., N. O. & T. P.....	156.5	60.0	60	24
L. & N.....	165.0	142.0	47	31
P. M.....	60.9	60.9	80	6
Southern.....	153.0	144.0	59	31

¹ The figures, however, do not reflect the preliminary work of changing signal foundations and signals, the erection of power lines, track changes, changing telegraph lines, etc., which in some cases involve extensive operations which must be completed before the actual train-control installations can be made.

SUMMARY OF PROGRESS

Under the order of June, 1922, all carriers to November 1, 1925:

Total road miles to be equipped.....	4, 449. 6
Total road miles equipped.....	2, 617. 4
Balance to be equipped, road miles.....	1, 832. 2
Total number of locomotives to be equipped.....	3, 858
Total number of locomotives equipped.....	1, 323
Balance of locomotives to be equipped.....	2, 535
Percentage of total road miles equipped.....	58. 8
Percentage of total locomotives equipped.....	34. 3

Summary by type of devices selected for installation

Continuous induction.....	19
Intermittent induction.....	14
Intermittent magnetic induction.....	9
Intermittent electrical contact.....	3
Total.....	45

Our order of June, 1922, required the carriers thereunder to complete their respective installations within two years and six months, the date of fulfillment being January 1, 1925. In accordance with the decision of the United States District Court for the Southern District of New York in *Delaware & Hudson Co. v. United States*, 5 F. (2d) 931, certain of the carriers which were unable to complete their installations within this period, upon petition, were granted an extension of the effective date.

To November 1, 1925, preliminary inspections and tests have been made on initial installations on the lines of the following named carriers, this for the purpose of assisting these carriers in meeting our specifications and requirements in putting in the remainder of each installation, respectively, under our order.

Carrier	Road miles	Locomotives equipped	Type of device
A. C. L.....	24. 0	10	Gen. Ry. auto-manual train stop.
C. & A.....	20. 0	10	National intermittent magnetic train stop.
C., B. & Q.....	20. 3	8	Sprague intermittent magnetic train stop.
C., I. & L.....	20. 0	6	Sprague intermittent magnetic train stop.
C., M. & St. P.....	41. 0	12	Union continuous induction train stop.
C., N. O. & T. P.....	24. 0	8	Gen. Ry. auto-manual train stop.
C. & N. W.....	22. 0	10	Gen. Ry. continuous 2-speed.
D., L. & W.....	37. 0	19	Union continuous 2-speed.
G. N.....	23. 0	6	Sprague intermittent magnetic train stop.
I. C.....	22. 0	10	Union continuous induction 2-speed.
L. V.....	25. 8	10	Gen. Ry. auto-manual train stop.
L. & N.....	17. 0	5	Union continuous inductive 2-speed.
M. C.....	20. 0	10	Gen. Ry. continuous 2-speed.
M. P.....	21. 0	20	National intermittent magnetic train stop.
N. Y., N. H. & H.....	46. 0	40	Union and general continuous train stop.
N. Y. C.....	20. 0	15	Sprague intermittent magnetic train control.
N. Y., C. & St. L.....	20. 0	6	Union intermittent induction train stop.
N. P.....	21. 5	6	Sprague inductive magnet train stop
Pennsylvania.....	51. 0	13	Union continuous induction 3-speed.
P. M.....	33. 0	6	General intermittent induction train stop.
P. & L. E.....	20. 0	14	Union continuous induction 3-speed.
R., F. & P.....	20. 0	7	Union continuous induction 2-speed.
Sou. Pac.....	20. 8	12	National intermittent magnetic train stop.
St. L.-S. F.....	20. 0	23	National intermittent magnetic train stop.
Total.....	609. 4	295	

Some of the carriers under the first order are now showing substantial progress on the installation required under the second order.

In connection both with the preliminary inspection of initial portions of installations and the final inspection and test of completed installations of train-stop and train-control devices under our orders, it is necessary for our engineers to ride upon the equipped locomotives and upon the freight trains of the carriers. Certain carriers require these men to sign instruments releasing them from liability for injury or death which may result from transportation upon such locomotives and freight trains. Since it is necessary for these employees in the performance of their duties to ride upon locomotives and upon freight trains contrary to the rules of the carriers, it is recommended that provision be made in the law which will make it the duty of the carrier to perform such transportation services, for such compensation as shall be fixed from time to time by us, when such employees are properly identified.

During the year plans and specifications of 42 train-stop and train-control devices, 5 highway crossing signals, and 1 cab signal were submitted for examination. At the present time reports have been prepared on 40 of these devices; 27 were found to be impracticable or unworthy of further consideration in the form presented, and 13 possessed sufficient merit to warrant consideration.

The record of accidents investigated by our forces for the year ended June 30, 1925, shows 98 collisions and derailments, in which 256 persons were killed and 1,085 injured. These figures include a collision at a grade crossing with an automobile which resulted in the death of its two occupants. This has not been taken into consideration in the statement below.

These accidents may be divided into four groups—(1) derailments; (2) collisions in automatic signal territory; (3) collisions in non-automatic signal territory; and (4) collisions in time-table and train order territory and yards.

The following table shows the number of accidents in each group, the number which probably would have been prevented if an adequate system of automatic train stop or train control had been in use, and the number of persons killed and injured in such preventable accidents:

Group	Number of—			
	Accidents	Accidents preventable by train control	Persons killed in preventable accidents	Persons injured in preventable accidents
1.....	43	8	11	118
2.....	13	11	37	140
3.....	6	5	9	54
4.....	35	21	37	190
Total.....	97	45	94	502

The number of preventable accidents as above indicated, the number of persons killed, and the number injured in such preventable accidents, represent 46, 37, and 46 per cent, respectively, of the total number of accidents investigated, persons killed and persons injured.

Of the derailments investigated, 18.6 per cent were such as probably would have been prevented if an adequate system of train control had been in use. The total number of persons killed and injured in such preventable accidents represents 7.5 per cent and 21.2 per cent, respectively, of the total casualties in such derailments. Of the collisions investigated, 68.5 per cent were preventable accidents in which the killed and injured represent 76.1 per cent and 72.5 per cent, respectively, of the total casualties in all collisions investigated.

The importance of continued effort to eliminate as far as possible such preventable accidents, with their loss of life, injury to persons, and destruction of property, by the installation of automatic train-stop or train-control devices can hardly be overstated, and with the increased appropriation which the Congress has now made available this work is being vigorously prosecuted.

CONSOLIDATION OF RAILROADS

In our last report it was noted that the work of preparing the complete plan of consolidation was progressing. On February 4, 1925, we addressed a letter to the chairman of the Senate Committee on Interstate Commerce, in which the majority of the commission expressed doubt as to the wisdom of the provisions of the law which now require us to adopt a complete plan to which all future consolidations must conform. They further stated that they had been impelled to the belief that results as good, and perhaps better, are likely to be accomplished with less loss of time if the process of consolidation is permitted to develop, under the guidance of the commission, in a more normal way. A proposed amendment to section 5 of the interstate commerce act was attached to the letter.

The following explanation of the proposed amendment is quoted from the letter:

Briefly the amendment would accomplish the following results:

(1) Relieve the commission from its present duty of adopting a complete plan of consolidation.

(2) Make unlawful any consolidation or acquisition of the control of one carrier by another in any manner whatsoever, except with the specific approval and authorization of the commission. The purpose of this provision is to make certain that the process of consolidation will in all respects be subject to the control and guidance of Federal authority. Without such a prohibition it will be claimed that such consolidations or acquisitions of control as are not in conflict with the Federal antitrust laws may be effected, as was done in the Nickel Plate

case, under State authority and without Federal approval. Whatever the merits of the Nickel Plate consolidation, it must be obvious that the possibility of consolidations or acquisitions of control thus consummated means a division of authority and responsibility which is likely to be destructive of any well-ordered and consistent control of the process of consolidation in the public interest.

(3) Give the commission broad power to approve or disapprove such consolidations or acquisitions of control as are proposed. Before approving the commission must find that the consolidation or acquisition—

(a) Will be in the interest of better service to the public, or economy in operation;

(b) Will not unduly restrain competition or be in any other material respect inconsistent with the public interest; and

(c) Will conform to the provisions of paragraph (4), which prohibit a capitalization of the consolidated company in excess of property value.

It may seem unduly drastic to require a finding that the consolidation or acquisition will not be inconsistent with the public interest in any material respect, but it will be noted that the commission is not restricted to the approval or disapproval of the consolidation or acquisition as proposed, but is authorized to approve "with such modifications and upon such terms and conditions" as it shall find just and reasonable. If what is proposed will promote the public interest in certain respects but not in others, it need not be wholly rejected but may be approved in a modified form which will eliminate the objectionable features.

(4) The commission is specifically authorized to disapprove a consolidation or acquisition upon the ground that it does not include a carrier, or all or any part of its property, which ought to be included in the public interest and which it is possible to include upon reasonable terms. One of the criticisms of such consolidations or acquisitions as have been proposed or suggested has been that they do not take care of the weak lines, although the merger of weak with strong lines is one of the ends which Congress has apparently had in mind. The specific provision above described will, it is thought, enable the commission to require attention to be directed to this phase of the matter, which otherwise might be neglected. The commission is also specifically authorized to make it a condition of any consolidation or acquisition that "existing routes and channels of trade and commerce shall be maintained." This provision has been inserted to remove such doubts as have been raised with respect to our power to attach such a condition.

(5) The commission is required to preserve "all records and other evidence heretofore taken and now in the files of the commission, under the terms of this section as heretofore enacted" and is authorized to utilize such records and evidence in reaching its conclusions with respect to any consolidation or acquisition proposed. This provision will enable the commission to avail itself of the very valuable information which has been gathered in connection with the consolidation plan proceeding.

(6) The provision now in subparagraph (b) of paragraph (6) of section 5 has been retained in somewhat modified form. This is the provision which limits the total capitalization of the consolidated company to the value of the combined properties. The thought underlying the modification is that it may be possible to determine value for the purposes of this provision more expeditiously than is possible under the valuation procedure prescribed in section 19a. It should be understood, however, that even with this modification this provision is likely to cause material delay in the process of consolidation. The safeguard provided by the provision is a desirable one and the question which must be faced is whether delay in accomplishing consolidations is more objectionable than the absence of such a safeguard.

BUREAU OF VALUATION

During the year our valuation activities have been devoted almost exclusively to steam railroads. Two main objects have been kept steadily in view, the first being the completion of the initial or primary valuations as of dates of inventory varying from 1914 to 1921, and the second consisting of the policing of the returns of carriers to our valuation order No. 3, giving additions, betterments, and retirements since dates of primary valuation in order to facilitate the bringing of the primary valuations to a current date.

The following table shows the number and scope of underlying reports completed as of October 31, 1925, compared with October 31, 1924:

Section	Oct. 31 of year—	Number of re- ports	Number of cor- porations	Miles of road ¹	Per cent of total mileage ²
Accounting.....	1924	1,034	1,707	243,605	99.70
Do.....	1925	1,073	1,750	244,247	99.94
Engineering.....	1924	953	1,610	235,088	96.20
Do.....	1925	1,040	1,742	243,042	99.45
Land.....	1924	1,106	1,672	233,247	95.40
Do.....	1925	1,123	1,764	244,045	99.86

¹ Miles of first main and branch lines, no duplication for second or other main track or sidings.

² On the basis of 244,377 miles.

Similar information as to tentative valuation reports served is shown in the following table:

	Oct. 31 of year—	Number of re- ports	Number of cor- porations	Miles of road	Per cent of total mileage
Tentative valuations.....	1924	386	568	75,375	30.84
Do.....	1925	657	981	125,758	51.46

It will be observed that we now have completed as of the respective valuation dates the preliminary underlying reports on practically all of the steam railroads in the United States. In former reports we have referred to informal conferences with interested parties subsequent to the completion of these preliminary reports and prior to their utilization as a basis for tentative valuations. This practice still continues. Of the underlying reports shown above as completed on October 31, 1925, 63 per cent of the accounting reports, 70 per cent of the engineering reports, and 64 per cent of the land reports have been corrected and made final for use in preparing tentative valuation reports. Tentative valuation reports have been issued on more than half of the carriers and mileage. Work on the remaining carriers and mileage is well advanced.

HEARINGS

Hearings on protests against tentative valuations were concluded during the year in 62 cases, embracing 25,784 miles of road, or 10.6 per cent of the total mileage, bringing the total number of cases in which hearings have been completed up to 212, covering 43,600 miles or 17.9 per cent of the total. Sixty-four cases, representing 26,469 miles, have been partly heard.

During the year 53 final value reports, covering 4,929 miles of road, were issued, the total number of reports and miles being thus brought to 88 and 9,325 or 3.8 per cent of the total mileage. In addition, 86 tentative valuation reports covering 1,733 miles of road have become final through lack of protest. The total number of such cases is now 225 and the mileage 5,379, being 2.2 per cent of the total mileage. In 30 such cases, covering 1,282 miles of road, we have issued formal reports declaring the valuations final by operation of law, and these are included in the 88 cases above shown. Reports are now final on 5.5 per cent of the entire mileage of the country.

PROPERTY CHANGES

The various railway properties of the country have primary valuation dates as follows:

Valuation date	Number of properties	Valuation date	Number of properties
June 30:		June 30:	
1914.....	71	1920.....	6
1915.....	185	1921.....	3
1916.....	475	1922.....	1
1917.....	478		
1918.....	548	Total.....	1,977
1919.....	210		

Our valuation order No. 3 requires carriers to keep a record of additions, betterments, and retirements made subsequent to date of the primary valuation; to render annual reports to us showing, by primary accounts, the cost of such property; and to report the units of property installed and retired at such times and for such periods as we may request.

During the year the force assigned to the administration of this order averaged 54 persons. Of this number an average of 29 were assigned to policing and checking the carriers' records in the field.

Field examinations have been completed on 75 operating systems, aggregating 50,000 miles of road. These examinations covered an average period of seven years subsequent to the various dates of valuation. Preliminary examinations for the purpose of ascertaining the general condition of the carriers' records had been made at the offices of 100 companies.

CONFERENCES

In our last report we indicated our intention to test the possibilities of a plan of formal conferences between our technical representatives and the technical representatives of the parties to the case as a substitute, in part, for ordinary trial procedure in the taking of evidence at hearings on protests against tentative valuation reports. Two properties, the Santa Fe and the Panhandle-Vandalia, were at first selected for the test, and later a number of others were added. In the conferences 11 interested State commissions participated through the medium of technical representatives who afforded valuable assistance. The first two conferences have been concluded, and, in the Panhandle-Vandalia case, the hearing following the conference has also been concluded. The tests have convinced us that the conference plan furnishes a better approach and a superior method for arriving at determination of many complicated issues in valuation cases.

RECAPTURE VALUATIONS

In proceedings for the recapture of excess earnings under the provisions of section 15a of the act hearings were held and completed in 18 cases, covering 1,052 miles. Seventeen cases, covering 2,599 miles, have been partly heard, and seven cases, representing 886 miles, are now set for hearing in the near future. Our valuation forces have prepared and presented the valuation data in these proceedings, revising and correcting the reports as of the original dates of valuation of the properties concerned to bring them down to the recapture periods, all of which are subsequent to the dates of the primary valuations.

INCREASED FORCE

The independent offices appropriation bill for the fiscal year 1926, approved by the President on March 3, 1925, carried a substantial increase for our valuation activities, designed mainly to enable us to enter upon a program for the completion of primary valuations of steam, sleeping-car, and telegraph carriers within a period of three years beginning July 1, 1925. A part of the increased funds was made immediately available for the recruiting of the additional number of employees required in the administration of the three-year program.

We took up at once the matter of recruiting with the object in view of securing by July 1, 1925, the full complement of men required for the first of the three years. Despite the full cooperation of the Civil Service Commission, we were unable to secure by that date more than one-third of the additional employees provided for. We are experiencing especial trouble in employing, at salaries that we are able to offer in Government service, engineers for the more important assignments. The recruiting work is still being diligently pursued.

We have organized an examining and reviewing section under the supervision of the principal valuation examiner, in which 27 men have been employed to preside at hearings and assist in preparing final valuation reports.

The full effect of the increase in the organization is not yet reflected in the output of reports, since many of the new men are still undergoing a course of preliminary training. We have entered upon a heavy program of hearings in 98 cases, covering 32,499 miles and including the Santa Fe, the Southern, the Frisco, the Michigan Central, the Chesapeake and Ohio, the Grand Trunk, the Long Island, the Louisville & Nashville, the International-Great Northern, the Minneapolis, St. Paul & Sault Ste. Marie, the Central of New Jersey, and the Gulf Coast lines.

BUREAU OF FINANCE

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

The following is a statement of applications filed during the year for certificates of public convenience and necessity under the provisions of paragraphs (18) to (22) of section 1 of the act and of the disposition made of applications:

Item	Number	Miles of road
Applications filed:		
For authority to construct new lines or to extend existing lines.....	73	3, 512. 50
For authority to abandon mileage.....	57	883. 21
For authority to operate or to acquire and operate.....	37	2, 935. 40
Total.....	167	7, 331. 11
Certificates issued:		
Authorizing new construction.....	46	908. 840
Authorizing abandonment.....	46	651. 977
Authorizing operation or acquisition and operation.....	30	1, 071. 480
Total.....	122	2, 632. 297
Applications denied:		
For authority for new construction.....	3	234. 03
For authority to abandon.....	1	14. 66
For authority to operate.....	2	51. 80
Total.....	6	300. 49
Applications withdrawn:		
For authority for new construction.....	6	363. 74
For authority to abandon.....	2	82. 12
For authority to acquire and operate.....	3	77. 96
Total.....	11	523. 82
Applications dismissed:		
For authority for new construction.....	2	40. 20
For authority to abandon.....	1	66. 00
For authority to operate.....	1	161. 65
Total.....	4	267. 85

A number of the applications disposed of during the year were pending on October 31, 1924.

We have continued the practice of enlisting the cooperation of the State commissions in these cases. In 54 of them hearings have been

held for us by State commissions during the year, and in most of such cases in which a decision has been reached we have followed their recommendations.

A list of certificates issued during the year will be found in Appendix F.

ACQUISITION OF CONTROL OF ONE CARRIER BY ANOTHER CARRIER

Paragraph (2) of section 5 of the act authorizes us to approve by order the acquisition by one carrier of control of one or more carriers either by lease, or by purchase of stock, or in any other manner not involving the consolidation of such carriers into a single system. Under this paragraph 39 applications have been filed, 26 authorizations have been issued and 3 applications have been withdrawn.

A list of authorizations issued during the year will be found in Appendix F.

CONSOLIDATION OF TELEPHONE COMPANIES

Under paragraph (9) of section 407 of the transportation act, 1920, we have received 23 applications and granted 21, in 20 authorizing telephone companies to merge their properties, or portions thereof, and in 1 authorizing control of one telephone company by another by purchase of capital stock.

A list of authorizations issued during the year will be found in Appendix F.

RECOVERY OF EXCESS NET RAILWAY OPERATING INCOME, GENERAL RAILROAD CONTINGENT FUND

In addition to the general orders referred to in our last report, we served a similar order, dated January 21, 1925, upon all carriers subject to section 15a of the act for the calendar year 1924. Altogether we have issued five general orders, covering the recapture period ended December 31, 1920, and the years ended December 31, 1921 to 1924, inclusive. In response to these orders carriers have filed reports showing the following results with respect to excess net railway operating income subject to the recapture clause of the section:

Period	Number of reports	Number of reports in which excess income is reported	Amount of excess income reported
Applicable period, 1920.....	985	34	\$2, 155, 092. 10
Calendar year, 1921.....	967	27	443, 831. 34
Calendar year, 1922.....	920	49	1, 805, 125. 34
Calendar year, 1923.....	874	47	6, 830, 374. 87
Calendar year, 1924.....	798	22	1, 182, 221. 97
Total excess.....			\$12, 416, 645. 62

In many instances carriers have amended their reports as originally filed by modifying the claimed property values and the net railway operating income, with corresponding modification of the excess income reported.

Many of these reports include groups of carriers claimed by respondents to have been under common control and management and operated as single systems within the provisions of paragraph (6) of section 15a. The number of operating carriers covered by the reports is 1,158 for the applicable period of 1920, 1,182 for the year 1921, 1,142 for the year 1922, 1,105 for the year 1923, and 1,032 for the year 1924.

The number of electric railways claiming exemption from the provisions of section 15a is 198. As stated in our preceding report our general conclusions with respect to the status of electric railways under the statute was announced in *Application of Section 15a of the Interstate Commerce Act to Electric Railways*, 86 I. C. C. 751. Such further proceedings will be had as may be found necessary in dealing with individual companies.

It should be borne in mind that the excess income reported has not been computed upon values fixed by us. For that reason the number of carriers finally determined to have earned excess income, as well as the amount of such excess income, may differ from the results shown by the carriers' reports.

During the year 33 carriers paid to us the total sum of \$732,448.34 on account of one-half of their excess income as preliminarily computed for the various recapture periods. This sum added to the \$4,955,197.27 paid prior to November 1, 1924, makes the total of such payments \$5,687,645.61. As the bulk of these payments has been made under formal protests and reservations, the general railroad contingent fund, composed principally of such payments, has not been available for the purposes contemplated by the statute.

In addition to the payments made by carriers on account of excess income, and of interest on overdue payments as required by our general circular of March 28, 1924, the contingent fund from time to time has been further augmented by interest upon investments. As explained in our last report, contingent fund moneys are held in the Treasury of the United States as a noninterest-bearing trust fund for investment in obligations of the United States, as required by paragraph (10) of section 15a. The present status of the fund is as follows:

Payments by carriers of excess income.....	\$5, 687, 645. 61
Payments by carriers of interest on overdue payments.....	19, 879. 47
Interest from bank balances.....	2, 062. 30
Interest from investments in obligations of the United States....	231, 751. 76
<hr/>	
Total credits to the general railroad contingent fund....	5, 941, 339. 14

The following obligations of the United States are held for account of the fund:

United States Treasury 4 per cent bonds, maturing 1944-1954.....	\$3, 630, 000
United States Treasury 3 per cent certificates of indebtedness, series T. D. 1925, maturing Dec. 15, 1925.....	1, 000, 000
United States 4¼ per cent second Liberty loan bonds (converted) of 1927-1942.....	60, 650
United States 4¼ per cent third Liberty loan bonds of 1928.....	1, 212, 550
Total face amount.....	5, 903, 200

In our last report we stated that formal hearings in recapture cases had been instituted. Eighteen of such hearings have been concluded, 17 are in progress, and 7 are set for future dates. Disposition of these 42 cases, and the assignment of others on the formal docket, will proceed as rapidly as possible.

A list of carriers which made payments to us during the year on account of excess net railway operating income for the five recapture periods ended December 31, 1924, showing the amounts paid, will be found in Appendix F.

ISSUANCE OF SECURITIES AND ASSUMPTION OF OBLIGATIONS

We have received 267 applications and 14 supplements thereto, and 2 petitions for rehearing, under section 20a of the act, and have authorized the issue of securities and the assumption of obligations and liabilities in respect of securities of others in the following aggregate amounts and for the following purposes:

Preferred stock:

For construction of new lines, extensions, or facilities other than equipment.....	\$14, 618, 230. 00
For exchange for common stock.....	4, 100. 00
For reimbursement of treasury for capital expenditures not capitalized.....	2, 600, 000. 00
For sale, proceeds to be used for capital purposes, including acquisition of equipment.....	3, 000. 00

Total.....	\$17, 225, 330. 00
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Common stock:

For acquisition of equipment.....	\$502, 600. 00
For acquisition of property other than equipment.....	2, 714, 700. 00
For additions and betterments (nature not fully specified).....	937, 000. 00
For construction of new lines, extensions, or facilities other than equipment.....	1, 287, 900. 00
For exchange for common stock.....	3, 860, 000. 00
For exchange for preferred stock.....	14, 318, 230. 00
For general corporate purposes (not segregated).....	46, 000. 00
For payment of advances.....	1, 350, 000. 00

Common stock—Continued.

For reimbursement of treasury for capital expenditures not capitalized.....	\$362, 900. 00
For reorganization.....	300, 000. 00
For sale, proceeds to be used for capital purposes, including acquisition of equipment.....	300. 00
For stock dividends.....	2, 312, 539. 00
Total.....	<u>\$27, 992, 169. 00</u>
Total stock.....	<u>45, 217, 499. 00</u>

Bonds, collateral-trust:

For refunding purposes.....	23, 000, 000. 00
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Bonds, mortgage:

For acquisition of property other than equipment.....	\$3, 029, 000. 00
For acquisition of securities of other companies.....	4, 444, 000. 00
For additions and betterments (nature not fully specified).....	3, 000, 000. 00
For additions and betterments other than equipment.....	11, 373, 000. 00
For construction of new lines, extensions, or facilities other than equipment.....	33, 469, 000. 00
For exchange for bonds previously authorized.....	4, 681, 000. 00
For exchange for matured funded debt..	10, 640, 000. 00
For exchange for preferred stock.....	2, 600, 000. 00
For exchange for unmatured funded debt..	20, 977, 500. 00
For extension of matured funded debt...	48, 680, 500. 00
For extension of matured unfunded debt..	2, 000, 000. 00
For general corporate purposes (not segregated).....	18, 705, 000. 00
For payment of advances.....	49, 384, 000. 00
For pledge.....	159, 702, 235. 16
For refunding purposes.....	34, 125, 000. 00
For reimbursement of treasury for capital expenditures not capitalized.....	197, 426, 931. 16
For reimbursement of treasury for moneys expended in retiring, refunding, or paying existing bonds.....	3, 560, 000. 00
For retention in treasury subject to further order.....	17, 166, 000. 00
For sale, proceeds to be used for capital purposes, including acquisition of equipment.....	7, 750, 000. 00
For sale to meet matured funded debt...	12, 466, 700. 00
For sale to meet unfunded debt.....	3, 061, 000. 00
Assumption of obligation and liability in respect of \$138,553,873.	

Total.....	<u>648, 240, 866. 32</u>
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Total bonds.....	<u>671, 240, 866. 32</u>
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Debentures:

For construction of new lines, extensions, or facilities other than equipment-----	\$7, 000, 000. 00
For payment of advances-----	183, 944. 75
Assumption of obligation and liability in respect of \$7,183,944.75.	
Total-----	<u>\$7, 183, 944. 75</u>

Notes, secured:

For acquisition of securities of other com- panies-----	\$18, 000, 000. 00
For exchange for unmatured funded debt---	4, 924, 000. 00
For general corporate purposes (not seg- regated)-----	1, 050, 000. 00
For sale to meet matured funded debt---	8, 138, 750. 00
For sale to meet unfunded debt-----	170, 000. 00
Total-----	<u>32, 282, 750. 00</u>

Notes, unsecured:

For acquisition of equipment-----	\$2, 351, 570. 10
For acquisition of property other than equipment-----	18, 250. 00
For exchange for matured funded debt---	27, 003. 53
For exchange for unfunded debt-----	1, 452, 575. 34
For extension of matured funded debt---	12, 000. 00
For general corporate purposes (not seg- regated)-----	514, 000. 00
For payment of advances-----	1, 144, 000. 58
For refunding purposes-----	993, 629. 86
For sale to meet matured funded debt---	1, 436, 250. 00
For sale to meet unfunded debt-----	65, 000. 00
Assumption of obligation and liability in respect of \$510,000.	
Total-----	<u>8, 014, 279. 41</u>
Total notes-----	<u>40, 297, 029. 41</u>

Equipment obligations:

Issued by carrier-----	\$528, 736. 25
Assumed by carrier-----	139, 519, 778. 33
Total-----	<u>140, 048, 514. 58</u>

Receivers' certificates:

For exchange for unfunded debt-----	\$950, 000. 00
For general purposes (not segregated)---	2, 000, 000. 00
For refunding purposes-----	290, 000. 00
For sale to meet matured funded debt---	400, 000. 00
For sale to meet unfunded debt-----	150, 000. 00
Total-----	<u>3, 790, 000. 00</u>
Grand total securities-----	<u>907, 777, 854. 06</u>

Under paragraph (9) of section 20a certificates of notification of the issue of notes, maturing within two years, in the aggregate sum of \$78,270,289.56, were filed.

INTERLOCKING DIRECTORATES

Under the provisions of paragraph (12) of section 20a of the act it is unlawful for any person to hold the position of officer or director of more than one carrier unless such holding shall have been authorized by our order. During the period covered by this report we received 361 applications from individuals and 14 from carriers under this paragraph. These applications related to 914 different individuals. There were pending on November 1, 1924, eight applications from individuals. Disposition was made of 374 applications, of which 359 individual applications were granted, and 10 carrier applications were granted in whole or in part. There were four individual applications and one carrier application withdrawn.

As stated in our last report, the effect of the statute can not be measured by the number of cases in which we have refused to grant authority. It may be assumed that in many instances the law has exercised a controlling influence in the selection of individuals for positions with carriers having conflicting interests. Comparatively few applications for authority to serve such carriers have been filed with us.

REIMBURSEMENTS OF DEFICITS DURING FEDERAL CONTROL

In our last report we stated that 365 carriers had filed claims for reimbursement under section 204 of the transportation act, 1920, claiming an aggregate amount of approximately \$25,775,000. During the past year 32 additional claims have been filed, increasing the amount approximately \$1,514,000. Final settlements with 16 carriers have been effected in the gross amount of \$698,132.80. Of the latter amount, \$40,332.64 was withheld under the provisions of the urgent deficiency act of May 8, 1920, as traffic balances and other indebtedness due the Director General of Railroads, as agent. One claim was dismissed, leaving 68 claims awaiting final disposition.

The total amount certified since the effective date of section 204 is \$10,108,343.23. Of this amount \$2,319,568.42 was withheld under the provisions of the urgent deficiency act of May 8, 1920, for obligations as stated above.

We estimate that an amount of approximately \$5,000,000 will be required to settle the 68 outstanding claims.

In making our settlements we have excluded from consideration the early portion of the Federal control period, in conformity with our ruling that carriers are not entitled to the benefits of section 204 for the period prior to their relinquishment, under section 14 of the

Federal control act. Our position was, in effect, upheld by the Supreme Court of the District of Columbia in *U. S. ex rel. Abilene & Southern Railway Company v. Interstate Commerce Commission*, opinion dated January 8, 1925. This case is now pending on appeal.

A number of the carriers which have received payments under this section owed their status as claimants to the decision of the commission in construction of the word "Deficit," 66 I. C. C. 765, as mentioned in our thirty-sixth annual report. On October 17, 1925, the finding in that report was reversed, which may involve the reopening of some of the proceedings under the section.

The statute sets no limit upon the period for the presentation of claims under section 204. In order that the work under this section may be brought to a close within a reasonable time, consideration should be given to a requirement that any further claims must be filed within a limited period.

A list of the carriers with which settlement has been effected, the amounts paid, and the traffic balance or other indebtedness certified in connection therewith as being due the Director General of Railroads, as agent, as well as a list of cases dismissed during the year, will be found in Appendix F.

SIX MONTHS' GUARANTY AFTER TERMINATION OF FEDERAL CONTROL

As stated in previous reports, 667 carriers filed acceptances of the guaranty provisions of section 209 of the transportation act, 1920. Claims aggregating approximately \$657,000,000 have been filed by these carriers pursuant to our order of December 15, 1921, Finance Docket No. 1606, 70 I. C. C. 711. This order excluded from consideration certain elements in effecting settlements under the guaranty for which claims had previously been made.

Of the claimed amount of \$626,637,428.26 made by 621 carriers whose claims have been finally disposed of, the sum of \$133,606,697.01 has been disallowed under our established procedure. These adjustments were due to accounting corrections relating to the test and guaranty periods; adjustments under section 4 of the Federal control act with respect to interest on additions and betterments; maintenance claims not allowable under paragraph 3 of subdivision (f), section 209; disproportionate items pursuant to paragraph 5 of that subdivision; deductions on account of unaudited items as provided in section 212; and special claims not recognized under our procedure.

Since the effective date of section 209 we have issued certificates in final settlement with 494 carriers, aggregating \$493,030,731.25, and have certified as advances and partial payments to the 46 carriers whose claims remain unsettled an aggregate amount of \$35,808,048.09. We have dismissed 127 claims of carriers held not entitled to benefits of the guaranty.

Certificates have been issued in the following aggregate amounts:

Period	Advances under section 209 (h) and (i)	Partial payments under section 209 (g) and (i) as amended by section 212	Final settlement under section 209 (g)	Total
Amounts certified for payment as of Oct. 31, 1924.....	\$263, 935, 874. 00	\$169, 441, 912. 14	\$74, 116, 425. 28	\$507, 494, 211. 42
Amounts certified during the year ended Oct. 31, 1925.....	None.	None.	21, 344, 567. 92	21, 344, 567. 92
Grand total.....	263, 935, 874. 00	169, 441, 912. 14	95, 460, 993. 20	528, 838, 779. 34

The estimated balance payable to carriers under section 209 is \$3,161,221.

A list of carriers with which settlements have been effected during the year and a list of cases dismissed will be found in Appendix F.

LOANS TO CARRIERS

Our only activities during the year in connection with the revolving fund created under section 210 of the transportation act, 1920, have been in the exchange, substitution, or release of collateral pledged with the Secretary of the Treasury, and the denial of one pending application.

The total amount of repayments of principal of outstanding loans during the year is \$9,984,598.79.

A revised list of loans and repayments, together with a statement of the revolving fund, will be found in Appendix F.

BUREAU OF ACCOUNTS

The practical completion of accounting examinations necessary under sections 204 and 209 of the transportation act, 1920, and temporary enlargement of our accounting staff as a result of an increased appropriation, have recently enabled us to undertake upon a more extensive scale examinations of accounts of carriers in connection with possible recapture of excess earnings under section 15a of the interstate commerce act. The additional examinations thus accomplished will fall within the period to be covered in our next annual report. This work is necessarily being done to the exclusion of our general examinations of carriers' accounts, the importance of which, as a means of enabling us effectively to police carriers' accounts in accordance with our duty under section 20 of the act, we have dwelt upon in previous reports.

During the year we have made 12 examinations under section 204, 4 under section 209, and 354 under section 15a.

The subject of depreciation has been given further study by the depreciation section, and additional statistical data have been pre-

pared for the purpose of facilitating the application of depreciation accounting to the various classes of physical property of common carriers, to the extent that compliance with the provisions of paragraph (5) of section 20 of the interstate commerce act may be found to require such accounting. Public hearings have been held and argument heard with respect to depreciation charges of steam railroads, telephone companies, and carriers by water, but the importance and great complexity of the questions involved have delayed final decisions. Pending such decisions and the determination of the controlling general principles, it has not been considered advisable to proceed with public hearings for consideration of depreciation charges of other classes of common carriers.

Tentative revisions of all accounting classifications for steam roads have been prepared. Conferences with railway accounting officers with respect to these revisions have been continued during the year. It is the present expectation that the work of revising the accounting rules for all classes of carriers will be completed in great part during the coming year.

Our appropriation for the current year, while much increased over that of previous periods, is to a large extent expressly restricted to clearing up back work under section 15a, which had accumulated at July 1 as the result of insufficient appropriations in previous years. While a large addition to our accounting staff was necessary to make the accounting examinations required in the determination of recapiturable income, the terms of the appropriation made it impossible to assure new appointees of employment after June 30, 1926. The enlargement of our accounting staff to the strength contemplated by the increased appropriation has as a consequence been seriously retarded. Competent men possessing the necessary qualifications would not give up permanent positions to accept the temporary employment we were obliged to offer. This situation was to some extent relieved by the fact that the United States Railroad Administration was at the time releasing a number of competent accountants who had qualified for our work and to whom employment with us was acceptable. There are still a number of positions vacant, which will probably result in a substantial unexpended balance at the close of the current fiscal year, a situation unavoidable under the circumstances developed in recruiting the staff.

BUREAU OF STATISTICS

This bureau received annual reports for the calendar year 1924 from 2,300 corporations, classified as follows:

	Number of annual reports
Steam-railway companies:	
Class I.....	183
Class II.....	317
Class III.....	365
Switching and terminal.....	224
Lessor.....	447
Total.....	1, 536
Electric railways.....	274
Sleeping-car companies (Pullman).....	1
Express companies.....	2
Telephone companies.....	299
Telegraph and cable companies.....	14
Water lines.....	138
Pipe lines.....	36
Grand total.....	2, 300

In addition to the above, brief reports in circular form are filed by the very small railway companies. Class I steam railways, annual revenues above \$1,000,000, also file monthly reports of revenues and expenses, operating statistics, wage statistics, fuel consumed by road locomotives, railway accidents, and various other periodical and special reports, some of which are referred to elsewhere herein. The large telephone companies, those having annual revenues amounting to \$250,000 and over, of which there were 78 in 1924, file monthly reports of revenues and expenses. From such reports statistical statements are regularly prepared for our use and are published as public information. The principal publication prepared by the bureau of statistics is the "Annual Report on the Statistics of Railways in the United States," which also contains statistics based on the monthly and quarterly reports of railways, as well as selected data relating to other common carriers subject to the interstate commerce act.

To meet the urgent need for more prompt information concerning certain income and balance-sheet items which do not appear in the monthly reports of revenues and expenses, a special "Preliminary Statement of Capitalization and Income" has been adopted for all Class I steam railways in the United States. This has permitted the publication of a special annual statement bearing that title; and the first of the series, that for the year ended December 31, 1924, was issued early in 1925.

Beginning with the year 1924 also, another annual publication, "Freight Commodity Statistics—Class I Steam Railways in the United States," has been instituted, which provides much earlier than heretofore data as to the traffic carried by the several individual

roads as well as to the traffic carried in each of the several regions and districts into which the country is divided for statistical purposes.

Since February, 1923, we have been making monthly reports of the condition of railroad equipment to the Congress, or, when not in session, to the President, in compliance with Senate Resolution 438, passed February 26, 1923. In our thirty-seventh annual report, dated December 1, 1923, we said, at page 29:

In view of the fact that this statement is a rearrangement of data appearing regularly in other forms, and of the further fact that the crisis which called the statement into existence has passed, its continuance would seem to be unnecessary.

Preparation of this monthly report adds to our routine burdens but not to the information available for legislative purposes.

In Appendix C to this report will be found the statistical summaries of railway data such as usually form a part of our reports.

The number of passengers carried by steam railways in the United States in the calendar year 1924 was 951 millions. Compared with the year 1923, when the number was 1,009 millions, this was a reduction of 5.75 per cent. The largest number of passengers ever so carried in any calendar year was in 1920, the number then being 1,270 millions. The number carried in 1924, therefore, was 25.12 per cent smaller than in the record year. In the first seven months of 1925 the number of passengers carried on Class I steam railways fell below that for the corresponding period of 1924 by 6.4 per cent and was 9.9 per cent below the corresponding figure for 1923.

The volume of passenger traffic expressed in the number of passengers carried 1 mile in 1924 was 36,375 millions, compared with 38,294 millions in 1923, a reduction of 5.01 per cent. There has been a gradual increase in the average journey per passenger since 1915, which in that year was 32.95 miles; in 1917 it was 36.13 miles; in 1920, 37.30 miles; in 1923, 37.97 miles; and in 1924, 38.25. The great increase in travel by automobile, especially for short distances, doubtless accounts for this to a large extent. In connection with the foregoing data concerning total passenger traffic, it may be observed that the Pullman service has been less adversely affected. The number of Pullman passengers was 39.2 millions in 1920 and 34.1 millions in 1924, a decline of 13.2 per cent. In 1920 Pullman revenues were equal to 5.68 per cent of the railroad passenger revenue, as compared with 6.87 per cent in 1924.

In the year 1923 the highest record of freight traffic volume for any one year thus far was made, 1,387,754,966 tons of freight having originated on steam railways in the United States. In the year 1924, the corresponding record shows a decrease of over 99 millions of tons, or 7.16 per cent, the amount for the latter year being 1,288,357,339 tons.

Expressed in ton-miles, the revenue freight traffic volume in 1923 amounted to 416,256 millions, and in 1924 to 391,981 millions, a decrease of 5.83 per cent. In the first seven months of 1925 the number of tons of freight carried on Class I steam railways exceeded that for the corresponding period of 1924 by 5.75 per cent, but was less than the tonnage carried during the corresponding period of 1923 by 5.24 per cent.

The average length of haul of a ton of freight in 1924, treating all of the roads of the United States as one system, was 304.25 miles, as against 299.94 miles in 1923, and 308.60 miles in 1919, the last-mentioned average being the highest on record. For the fiscal year 1915 the average haul was only 270.69 miles. These variations reflect effects of changes in the course of productive and commercial activities.

Among the items of greatest significance bearing upon the efficiency of operation of steam railways, as far as such may be disclosed by statistics of locomotive, car, and train performance in connection with traffic density, are those shown in the two tables which immediately follow:

Comparison of selected items of freight service operating averages, Class I steam railways,¹ years 1920 to 1924

UNITED STATES

12 months ended with December	Net ton- miles per mile of road per day	Trainload		Gross ton- miles per train- hour (except locomotives)	Net ton- miles per car- day	Average car- load	Car- miles per car- day	Per cent loaded of total	Cars per train	Loco- motive- miles per locomotive- day
		Gross (except locomotives)	Net							
1920.....	5,280	1,443	708	14,877	498	29.3	25.1	67.9	36.6	62.5
1921.....	4,052	1,435	651	16,555	389	27.6	22.4	63.0	38.4	49.5
1922.....	4,392	1,464	676	16,188	424	26.9	23.5	67.2	38.4	52.0
1923.....	5,346	1,539	713	16,764	510	27.9	27.8	65.7	39.9	60.3
1924.....	5,002	1,588	715	18,261	472	27.0	26.9	65.1	41.7	55.4

¹ Annual operating revenues above \$1,000,000.

Comparison of selected items of freight service operating averages, Class I steam railways, first half, years 1920 to 1925

UNITED STATES

6 months ended with June	Net ton- miles per mile of road per day	Trainload		Gross ton- miles per train- hour (except locomotives)	Net ton- miles per car- day	Average car- load	Car- miles per car- day	Per cent loaded of total	Cars per train	Loco- motive- miles per locomotive- day
		Gross (except locomotives)	Net							
1920.....	4,991	1,400	691	14,480	465	28.4	23.1	70.7	35.4	63.3
1921.....	3,880	1,408	640	16,155	374	28.0	21.5	62.0	37.8	48.4
1922.....	4,018	1,445	651	16,871	389	26.4	22.6	65.1	38.8	49.4
1923.....	5,311	1,507	709	16,072	508	28.1	27.1	66.5	38.9	60.6
1924.....	4,796	1,542	694	17,615	454	26.8	26.0	65.3	40.7	54.6
1925.....	4,995	1,629	727	19,281	466	26.8	26.8	64.6	42.9	55.4

The results effected by the introduction of more powerful locomotives, of improved types and greater tractive capacity (see Table II, Appendix C), are strikingly evident from the increases in the averages of "Gross ton-miles per train-hour" and "Cars per train," as shown in the tables above, with consequent reduction in the number of trains necessary to move a given amount of freight under similar conditions. Due credit should be given to other things that contribute to economies, such as improved signals, additional trackage, and refinements in methods of operating management.

The amount of fuel consumed by road locomotives in the combined passenger and freight services in 1924 was the equivalent of 111,826,967 net tons of coal, the amount of fuel oil consumed being included in these figures by equating it on bases determined by the railways from practical experience. The corresponding figure for 1923 was 122,550,224 net tons, a reduction in 1924 compared with 1923 of 8.75 per cent. The total number of tons of coal, including the equivalent tonnage of fuel oil equated, as explained, consumed by road locomotives in freight service alone in 1924 was 81,016,059 and in 1923, 90,263,240, a decrease of 10.24 per cent, compared with a reduction in freight traffic volume, expressed in ton-miles, of 5.95 per cent. The number of pounds of coal burned in producing 1,000 gross ton-miles in freight service was reduced from 161 pounds in 1923 to 149 pounds in 1924, or 7.45 per cent. In the passenger-train service the reduction was from 32,286,984 net tons in 1923 to 30,810,908 net tons in 1924, or 4.57 per cent, against a reduction of 4.95 per cent in the volume of passenger traffic, expressed in terms of passenger-miles.

The average cost to the railroads of coal, invoice plus freight charges on foreign lines, in 1923 was \$3.45 per ton; in 1924 it was \$3.03, a reduction of 12.17 per cent. On the other hand, the cost per gallon of fuel oil increased 7.69 per cent, or from \$0.026 in 1923 to \$0.028 in 1924. In comparing these costs with market prices it should be borne in mind, however, that they include freight paid by the purchasing roads for the hauling done by other roads from mines or points of production to distributing points. The aggregate cost of fuel for road (train) locomotives alone amounts to about 9 per cent of the total railway operating expenses.

The average number of persons employed by Class I steam railways, excluding switching and terminal companies, during the year 1924 was 1,751,324, and the total compensation amounted to \$2,826,025,230, which was 62.69 per cent of the total railway operating expenses of that class of roads for the year. The total number of employees of such roads at the middle of July, 1925, was 1,795,669. For further data of this kind, relative to employees, see Appendix C.

The statements tabulated from monthly reports of railway accidents, submitted by carriers in compliance with the accident reports act of May 6, 1910, indicate that in the year 1924 there were 6,617 persons killed and 143,739 injured in reportable accidents of all kinds on steam railways. These figures include 402 fatal and 95,368 nonfatal injuries resulting from nontrain and industrial railway accidents. The number of locomotive-miles run in 1924 was 4.8 per cent less than in 1923, while the number of casualties resulting from train operation was 13.9 per cent less. Fatalities in grade-crossing accidents in 1924 were 2,149, or 119 less than in the previous year. There were, however, 6,525 nonfatal injuries in accidents of this kind or 211 more than in 1923. In both years automobiles were involved in accidents that caused 84 per cent of the total casualties at crossings. Automobile registration for 1924, 17,591,981, was 2,499,804 more than in 1923. Accident statistics have been furnished railway officials, insurance companies, manufacturing concerns, the National Safety Council, and other organizations interested in accident prevention.

While the major part of the service of the bureau of statistics necessarily has to do with the steam railways, reference may be made here to some of the most important data of the various other common carriers subject to our jurisdiction. The electric railways reporting to us operated 14,165 miles of road in 1923, the latest year for which detail compilations have been completed; their operating revenues amounted to \$236,429,937; their operating income to \$55,258,030; and their net income to \$13,585,895.

The following table relates to the operations of the American Railway Express Co. and the Southeastern Express Co.:

Express companies, 1921-1924

Year	Number of companies reporting	Operating revenues	Operating expenses	Operating income	Net income
1921.....	2	\$187, 677, 648	\$184, 984, 745	\$544, 445	\$2, 355, 921
1922.....	2	156, 383, 471	152, 892, 273	1, 157, 372	2, 843, 719
1923.....	2	161, 540, 691	158, 354, 421	933, 173	2, 582, 594
1924.....	2	154, 905, 778	151, 549, 341	1, 096, 798	2, 351, 795

Telephone companies having total operating revenues of \$250,000 or more per annum have been receiving steadily increased revenues and income in recent years, as the following figures indicate:

Large telephone companies, 1921-1924

Year	Operating revenues	Operating expenses	Operating income
1921.....	\$541, 196, 417	\$394, 842, 690	\$106, 807, 003
1922.....	591, 530, 687	418, 161, 584	125, 989, 641
1923.....	648, 447, 471	459, 262, 911	136, 705, 068
1924.....	705, 000, 908	496, 070, 000	150, 793, 302

Miles of wire operated, operating revenues, and income of telegraph and cable companies reporting were as follows:

Telegraph and cable companies, 1921-1924

Year	Total miles of wire	Operating revenues	Operating income	Net income
1921.....	1, 858, 173	\$136, 663, 348	\$18, 667, 408	\$13, 310, 975
1922.....	1, 874, 270	138, 190, 229	22, 894, 272	18, 138, 344
1923.....	1, 893, 869	144, 610, 453	21, 025, 039	16, 656, 377
1924.....	1, 945, 943	146, 175, 685	20, 229, 428	15, 804, 902

The 136 carriers by water required to file returns for the year 1924 reported aggregate operating revenues, \$121,053,428; operating expenses, \$108,345,948; operating income, \$10,606,881; net income, \$6,462,223.

The following table shows in brief the results of operations of such pipe lines as came within our jurisdiction, and were required to make reports of their activities for the years named:

Pipe line companies, 1921-1924

Year	Miles of line operated	Pipe line operating revenues	Pipe line operating expenses	Pipe line operating income	Net income
1921.....	55, 260	\$115, 949, 610	\$62, 369, 908	\$25, 529, 962	\$34, 400, 283
1922.....	57, 349	128, 058, 803	64, 539, 459	52, 719, 665	58, 567, 686
1923.....	64, 760	131, 212, 582	69, 234, 319	52, 678, 246	62, 639, 224
1924.....	68, 185	146, 921, 073	74, 655, 544	63, 176, 232	72, 233, 975

For convenient reference there is inserted here a list of the publications prepared by the bureau of statistics which are now regularly issued:

Annual reports

Preliminary Report of Capitalization and Income, Class I Steam Railways.
 Freight Commodity Statistics, Class I Steam Railways.
 Comparative Statement of Operating Averages, Class I Steam Railways.
 Wage Statistics, Class I Steam Railways (Including 15 Switching and Terminal Companies).
 Preliminary Abstract of Statistics of Common Carriers.
 Text of the Annual Report on the Statistics of Railways in the United States.
 Annual Report on the Statistics of Railways in the United States, including also selected items from periodical reports of other classes of common carriers.
 Accident Bulletin—Steam Railways.
 Selected Items from the Annual Reports of Carriers by Water.
 Selected Items from the Annual Reports of Telegraph and Cable Companies.
 Selected Items from the Annual Reports of Pipe Line Companies.
 Selected Items from the Annual Reports of Electric Railways.
 Selected Items from the Annual Reports of Telephone Companies.

Quarterly reports

Summary of Freight Commodity Statistics of Class I Steam Railways for the Quarter.
 Summary of Accidents Reported by Steam Railways.

Monthly reports

Operating Revenues and Operating Expenses, Class I Steam Railways.
 Operating Revenues and Operating Expenses of Large Steam Roads—Selected Items for Roads with Annual Operating Revenues above \$25,000,000.
 Operating Statistics of Large Steam Roads—Selected Items for Roads with Annual Operating Revenues above \$25,000,000.
 Freight and Passenger Service Operating Statistics of Class I Steam Railways in the United States.
 Fuel for Road Locomotives in Freight and Passenger Train Service (Charged to Operating Expenses), Class I Steam Railways in the United States.
 Wage Statistics—Class I Steam Railways.
 Revenue Traffic Statistics of Class I Steam Railways.
 Summary of Monthly Reports of Large Telephone Companies.
 Summary of Accidents Reported by Steam Railways.

FORMAL DOCKET

The formal complaints filed numbered 1,505, of which 1,210 were original complaints and 295 subnumbers, an increase of 162 as compared with the previous period. We decided 847 and 330 have been dismissed by stipulation or on complainants' request, making a total of 1,177 disposed of, as compared with 1,316 during the previous period.

We conducted 1,502 hearings and took approximately 246,069 pages of testimony, as compared with 1,479 hearings and 226,234 pages of testimony during the preceding period.

The following statement shows certain facts with respect to the condition of our docket as of October 31 of the years indicated:

	1922	1923	1924	1925
Formal complaints filed.....	1, 264	1, 160	1, 343	1, 505
Cases at issue but not set for hearing.....	363	236	94	217
Cases set for hearing but not heard.....	109	63	201	77
Cases heard but not fully submitted.....	607	588	535	688
Cases submitted.....	671	604	466	359
Cases disposed of ¹	1, 013	1, 188	1, 316	1, 177

¹ Does not include complaints filed as subnumbers

INVESTIGATIONS

Report has been submitted to the Senate in response to the following resolution:

Senate Resolution 199, approved March 28, 1924, directing us to ascertain and report to the Senate the assessed valuation, as used for taxation purposes for the year 1923, of all of the property of each of the railroads of the United States acting as common carriers. February 9, 1925.

Reports have been made and published in the following investigations, instituted on our own motion:

Propriety of rates, charges, practices, rules, regulations, ratings, classifications, carload minima and differentials for hauls over two

or more lines, and of bridge tolls or charges applicable on traffic between Memphis and points in Arkansas and contiguous territory in Missouri and Oklahoma. 98 I. C. C. 654; 102 I. C. C. 227.

Construction and repair of railway equipment. 93 I. C. C. 646.

Concerning rates for interchangeable mileage or scrip coupon tickets. 98 I. C. C. 298.

Reasonableness of car-distribution rules applicable to privately owned coal cars and cars for railroad fuel coal. 93 I. C. C. 701.

Reasonableness of the rules governing the distribution of cars to coal mines, other than anthracite, for coal loading, and the ratings of such mines as the basis for the distribution of cars thereto. 95 I. C. C. 309.

Interstate class rates in southern territory; between that territory and the Mississippi River crossings, Ohio River crossings, and points beyond in Illinois, Buffalo-Pittsburgh, and central territories; and between southern territory and Virginia cities and eastern points beyond in trunk-line and New England territories. 100 I. C. C. 513.

Charges of common carriers subject to the interstate commerce act for wharfage, handling, storage, and other accessorial services at south Atlantic and Gulf ports. 93 I. C. C. 609.

In the matter of charges for passengers traveling in sleeping and parlor cars. 95 I. C. C. 469.

Lawfulness and propriety of rates, regulations, and practices in connection with the application of interstate domestic rates and export rates on cotton from points in the States of Oklahoma, Arkansas, Texas, and Louisiana, on and west of the west bank of the Mississippi River to Gulf ports. 100 I. C. C. 159.

In the matter of rates, charges, classifications, regulations, and practices governing the transportation of anthracite coal. 101 I. C. C. 363.

In the matter of the application of the Northern Pacific Railway Co., Great Northern Railway Co., and Oregon-Washington Railroad & Navigation Co. for authority to establish joint passenger-train service between Seattle, Tacoma, and Portland, and to divide the earnings therefrom. 96 I. C. C. 116.

Limestone into and cement out of Ada, Okla. 102 I. C. C. 407.

In the matter of through routes, and joint rates, fares, and charges and the divisions thereof, pertaining to traffic interchanged between the Bonhomie & Hattiesburg Southern Railroad Co. and its connections. 100 I. C. C. 71.

Other investigations are pending, some of the more important of which are:

In the matter of rates on wool and mohair from Pacific coast and intermediate territory to various points.

Rates, regulations, and practices of Peoria & Pekin Union Railway Co. and connections at Peoria, Ill., and nearby points.

Propriety of the rates on sugar, in carloads, from New Orleans and other producing points in Louisiana, Savannah, Ga., Boston, Mass., New York, N. Y., Philadelphia, Pa., Baltimore, Md., and other producing and distributing points on the Atlantic seaboard.

Consolidation of the railway properties in the United States into a limited number of systems.

History, financial operations, accounts, and practices of the Western Pacific Railway Co., the Denver & Rio Grande Railroad Co., the Western Pacific Railroad Co., and the Denver & Rio Grande Western Railroad Co.

Concerning adequacy of locomotives and cars owned by common carriers used in the transportation of freight.

In the matter of efficient, economical, and joint use of terminals of common carriers in the port of New York district and the cost to carriers of operating the terminals in performing common-carrier services.

Efficiency and economy of management of common carriers.

Switching facilities, practices, regulations, rates, and charges at Seattle, Wash.

Concerning the classes of depreciable property of telephone companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Concerning the classes of depreciable property of steam railroad companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

In the matter of divisions of freight rates in western and mountain-Pacific territories.

Concerning the classes of depreciable property of carriers by water and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Interstate class rates within official classification territory.

Fertilizers and fertilizer materials between southern points.

In the matter of divisions of freight rates in the Eastern Group excluding New England.

Drayage absorptions by Southwest Missouri Railroad.

History, management, financial and other operations, accounts, and practices of the Chicago, Milwaukee & St. Paul Railway Co.

History, management, financial and other operations, accounts, and practices of the Kansas, Oklahoma & Gulf Railway Co.

INTRASTATE RATE CASES

Reports have been made and published in the following proceedings instituted by us under section 13 of the act:

In the matter of—

Rates, fares, and charges applicable between points in the State of Indiana. 96 I. C. C. 644; 100 I. C. C. 169.

Intrastate rates within the State of Illinois. 102 I. C. C. 232.

Surcharge for transportation of passengers in sleeping and parlor cars between points in the State of North Carolina. 102 I. C. C.

No reports have been made during the year in the following investigations under that section:

In the matter of—

Intrastate rates, fares, and charges of the Morgan's Louisiana & Texas Railroad & Steamship Co. and other carriers in the State of Louisiana.

Rates for berths, drawing rooms, compartments, and seats in sleeping and parlor cars of the Pullman Co. in the State of Louisiana.

Intrastate class rates in the State of Mississippi.

Intrastate rates on bituminous coal within the State of Indiana.

Rates on fertilizers and fertilizer materials within the State of South Carolina.

Rates on fertilizers and fertilizer materials within the State of Alabama.

Rates on powder and high explosives, in carloads, within the State of Arizona.

Rates on fertilizers and fertilizer materials within the State of Georgia.

Milk and cream in Indiana.

Rates on classes and commodities between points within the State of Texas.

Intrastate class rates within the State of South Dakota.

Rates on chert, clay, sand, and gravel within the State of Georgia.

Rates and minimum weights on salt within the State of Ohio.

HOCH-SMITH RESOLUTION

By joint resolution of the Congress, approved January 30, 1925, usually referred to as the Hoch-Smith resolution, we were authorized and directed to make a thorough investigation of the rate structure of common carriers subject to the interstate commerce act. The resolution is as follows:

(Public Resolution No. 46, 68th Congress)

(S. J. Res. 107)

Joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the true policy in rate making to be pursued by the Interstate Commerce Commission in adjusting freight rates, that the conditions which at any given time prevail in our several industries should be considered in so far as it is legally possible to do so, to the end that commodities may freely move.

That the Interstate Commerce Commission is authorized and directed to make a thorough investigation of the rate structure of common carriers subject to the interstate commerce act, in order to determine to what extent and in what manner existing rates and charges may be unjust, unreasonable, unjustly discriminatory, or unduly preferential, thereby imposing undue burdens, or giving undue advantage as between the various localities and parts of the country, the various classes of traffic, and the various classes and kinds of commodities, and to make in accordance with law, such changes, adjustments, and redistribution of rates and charges as may be found necessary to correct any defects so found to exist. In making any such change, adjustment, or redistribution the commission shall give due regard, among other factors, to the general and comparative levels in market value of the various classes and kinds of commodities as indicated over a reasonable period of years to a natural and proper development of the country as a whole, and to the maintenance of an adequate system of transportation. In the progress of such investigation the commission shall, from time to time, and as expeditiously as possible, make such decisions and orders as it may find to be necessary or appropriate upon the record then made in order to place the rates upon designated classes of traffic upon a just and reasonable basis with relation to other rates. Such investigation shall be conducted with due regard to other investigations or proceedings affecting rate adjustments which may be pending before the commission.

In view of the existing depression in agriculture, the commission is hereby directed to effect with the least practicable delay such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by that depression, including livestock, at the lowest possible lawful rates compatible with the maintenance of adequate transportation service: *Provided*, That no investigation or proceeding resulting from the adoption of this resolution shall be permitted to delay the decision of cases now pending before the commission involving rates on products of agriculture, and that such cases shall be decided in accordance with this resolution.

Approved, January 30, 1925.

Pursuant to that resolution we instituted, on March 12, 1925, upon our own motion, a general investigation, docketed and entitled No. 17000, *Rate Structure Investigation*, in order to:

(a) Determine to what extent and in what manner, if any, rates, fares, and charges, and all classifications, regulations, and practices relating thereto, hereinafter for brevity collectively termed rates, of such common carriers for or in respect of the transportation or transmission by such carriers in interstate or foreign commerce of the various classes and kinds of commodities and the various classes of traffic, including freight, passenger, mail, and express, or any other, similar or dissimilar, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or otherwise in violation of any provision of law, including the joint resolution aforesaid.

(b) Determine to what extent and in what manner, if any, the rates, as above defined, of such common carriers cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce on the one hand and interstate or foreign commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce.

(c) Make, in accordance with law, such changes, adjustments, and redistribution of rates, as above defined, as may be found necessary to correct any defects so found to exist and to determine to what extent, if any, and upon what classes and kinds of commodities or classes of traffic, if any, compensating increases or other changes in rates, as above defined, may and shall lawfully be required or authorized by the commission in order to offset or partially offset such reductions or other changes in rates, as above defined, on other classes or kinds of commodities or classes of traffic, giving due regard, among other factors, to—

(1) The conditions which prevail in the several industries of the country in so far as it is legally possible to do so to the end that commodities may freely move;

(2) The general and comparative levels in market value of the various classes and kinds of commodities as indicated over a reasonable period of years;

(3) A natural and proper development of the country as a whole;

(4) The maintenance of an adequate system of transportation;

(5) Any other requirement of law laid upon the commission in respect of the initiation, modification, establishment, or adjustment of rates, as above defined.

(d) Make in the progress of the investigation such decisions and orders as the commission may find necessary or appropriate upon the record then made in order to place the rates upon designated classes or kinds of commodities or classes of traffic upon a just and reasonable basis with relation to other rates.

(e) Effect with the least practicable delay such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by the existing depression declared in said joint resolution, including livestock, at the lowest possible lawful rates compatible with the maintenance of adequate transportation service.

Contemporaneously with the issuance of our order of investigation, we issued a notice calling attention to the order and inviting the public generally, including shippers, carriers, and public authorities, to file any desired brief or statement as to the intent of the resolution, the procedure to be pursued in giving effect thereto, and setting forth any facts deemed to bring any rates, fares, or charges or other matters within the provisions of the resolution. These were de-

sired for the aid and guidance of the commission in shaping its procedure. Responses were received from all sections of the country. A file of the memoranda so received has been kept open to public inspection.

Realizing the importance and broad scope of the investigation, a division of the commission, designated as division 6, was created for the purpose of directing the investigation, and upon our invitation the National Association of Railroad and Utilities Commissioners appointed a committee of its membership to cooperate in the investigation. A committee of our employees and another of employees of State regulatory bodies were, respectively, selected to assist in the formulation and carrying out of a course of procedure.

Subsequent to the issuance of our order in No. 17000, petitions seeking an increase in revenues were filed with us on behalf of the principal common carriers by steam railroad in the western district comprising the western group and the Mountain Pacific group as defined in *Increased rates, 1920*, 58 I. C. C. 220. In those petitions, which were docketed as *Ex parte 87*, it was in effect averred that since the passage of the transportation act, 1920, the western carriers have not earned, and are not now earning, a fair return upon the aggregate value of their railway property held for and used in the service of transportation, notwithstanding that they have been and are now operated under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment; that their earnings have been and are such that it is impossible for them to maintain the adequate transportation system contemplated and directed by the Congress; and that because of the confiscatory rate of return under which they are and have been operating their condition has become precarious and that they are in need of an immediate increase in revenues.

As consideration of the views and suggestions received in response to the previous notice in No. 17000 indicated greater necessity for early action in the western district than in the remainder of the country and as the force available to the commission would not at that time permit action in all districts simultaneously without undue interference with the current work of the commission, and further as the issues presented by the carriers' petitions in *Ex parte 87* constituted a necessary and important part of the much broader issues in No. 17000, it was concluded to assign the two proceedings for joint hearing. Accordingly, on July 10, 1925, we issued a second notice to the public in which we announced that we would first deal with the western district in order—

1. To determine what products of agriculture, including livestock, are affected by depression;

2. To determine what, if any, reductions may lawfully be effected in the rates or charges on products of agriculture, including livestock;

3. To determine whether any rates, fares, or charges, either on particular classes and kinds of commodities or classes of traffic, in particular sections or between particular localities in the western district, or otherwise, may lawfully be authorized or required to be increased, and, if so, to what extent, in order to compensate for such rate reductions, if any, as may be found proper; and

4. To determine whether any rates, fares, or charges, either on particular classes and kinds of commodities or classes of traffic, in particular sections or between particular localities in the western district, or otherwise, may lawfully be authorized or required to be increased, and if so, to what extent, in order to effect such increases in the revenues of western carriers as may be found proper.

Hearings were held at Chicago in September and October and subsequent hearings have been scheduled for Denver, San Francisco, St. Paul, Dallas, and Kansas City.

Although the hearings now being held in the western district are broad in scope, it is recognized that they will not afford a record upon which the mandates of the Hoch-Smith resolution can be fully complied with, even in the western district. However, it is hoped that those hearings will afford a means whereby situations of pressing importance in the western district may be brought before us for consideration prior to a more comprehensive study to be made of the rate structure of the country as a whole. We are now engaged in working out the details of a comprehensive plan for such a study. The task assigned to us by the resolution is one of magnitude which will take time to complete. Current work is taxing the capacity of our present forces and when the nation-wide study which we now contemplate is under way those forces will be inadequate.

BUREAU OF INFORMAL CASES

The number of informal complaints received was 6,871, a decrease of 5. The director general, as agent, and the carriers filed 7,032 special docket applications for authority to refund amounts collected under the published rates, admitted by them to have been unreasonable, a decrease of 66. Orders authorizing refunds were entered in 6,200 cases, an increase of 377, and reparation thereon was awarded in amounts aggregating \$1,445,865.88. In addition, 415 cases were dismissed or disposed of without orders. The bureau also handled approximately 110,000 letters. Many of these had the characteristics of informal complaints, although not so classified. Others sought general information and informal rulings upon the rights and obligations of the public and common carriers under existing statutes.

BUREAU OF TRAFFIC

This bureau through its section of tariffs classifies and preserves all tariff schedules filed with us as well as division sheets, contracts, and certain other documents; examines all such publications and documents with a view to ascertaining whether they comply with section 6 of the act and our tariff rules and regulations made pursuant thereto, and whether schedules are filed in purported compliance with our decisions and orders; advises and instructs carriers in the matter of correct publication, simplification and uniformity of tariffs; checks rates and advises with us and our various bureaus in matters dealing with the rates legally applicable on shipments; assists in settling disputes between carriers and between carriers and shippers, as to rates and divisions thereof, and as to classification matters.

It handles requests under section 15 of the act for suspension of proposed changes in rates, applications under section 20 of the act for authority to establish rates dependent upon the declared or agreed value of the commodity transported, applications under section 6 for authority to publish rates, fares, or charges on less than the statutory notice of 30 days, and to waive the usual rules of tariff publication, in order to meet emergencies that continually arise, and applications under section 4 of the act for authority to depart from the provisions of that section. In dealing with these matters it investigates, conducts hearings when necessary, prepares reports, and makes recommendations concerning their disposition.

The bureau also acts in an advisory capacity in connection with the disposition of many formal cases, especially those involving general policies and the more important and extensive rate adjustments. In connection with suspended rate schedules and with other rate adjustments contemplated by the carriers, or sought by shippers, it has been instrumental in an increasing number of instances in securing a satisfactory informal adjustment of disputes between carriers and shippers, thus avoiding the delay and expense incident to the disposition of formal proceedings.

Increased printing, labor, and other costs have greatly increased expenses of carriers for publication of tariffs. Section 6, as modified by our order of October 12, 1915, requires the posting of each tariff at all stations from which rates contained therein apply and at which an agent is employed. Investigation has developed that many tariffs nominally apply from numerous smaller stations from which little or no traffic of the character covered by such tariffs actually moves, such application being necessary to avoid violation of the long-and-short-haul provisions of section 4 in the event that shipments should move from such smaller points. To avoid the necessity of posting such tariffs at such points, and thus lessen the expenses of

carriers, we have adopted a policy of exercising our power to waive the posting requirements of section 6 in such manner as to relieve carriers of the necessity of posting certain large and expensive tariffs at those stations where, as developed by actual check, no request therefor has been made and no shipment thereunder has been offered, such waiver being made subject to the conditions that two notices, stating that copies of the tariffs (describing them) may be examined at certain named general posting files and that carriers will post tariffs at such stations if requests are received, be posted in two conspicuous places in each of such stations or offices.

As indicating progress toward a more unified rate structure, reference to a few of our more important proceedings appears desirable. A separate chapter deals with the general investigation No. 17000 instituted in response to the so-called Hoch-Smith resolution. In our last report we referred to the then pending investigation of class rates throughout southern territory and between that territory and the territory lying generally north of the Ohio and Potomac Rivers and east of the Mississippi River. Our conclusions in that proceeding have since been announced in *Southern Class Rate Investigation*, 100 I. C. C. 513. They call for a comprehensive revision of the class-rate structure there under consideration. Following the service of our report in that proceeding the respondent carriers voiced certain objections to our findings and those objections are now receiving consideration.

Hearings have recently been concluded in No. 16295, an investigation instituted by us into the rates on fertilizer and fertilizer materials throughout the South.

Numerous hearings have been held in connection with the investigation into the class-rate structure in official classification territory referred to in our last report, but that proceeding has not yet been submitted.

As a result of cooperative action of committees of shippers and carriers and the advice and suggestions of the bureau, a preliminary revision of class rates in western trunk-line territory became effective in June. Joint committees of shippers and carriers are now engaged in working out a more complete readjustment.

After investigation, we have approved revised commodity rates on 10 general groups of commodities, in addition to the 30 commodities covered by our report in *Memphis-Southwestern Investigation*, 77 I. C. C. 473, for application in that portion of the Southwest comprising Arkansas, Louisiana, and southern Missouri. The class-rate structure and, with certain exceptions, the commodity rates in the Southwest are now before us for consideration in No. 15535, *Corporation Commission of Oklahoma v. A. & R. R. Co.*, and numerous cases consolidated therewith, submitted on argument after

extensive hearings throughout the Southwest. The brick rate structure in that territory is receiving consideration in No. 14617, *Acme Brick Company v. A. & M. Ry. Co.*, and related cases.

In *Salt Cases of 1923*, 92 I. C. C. 388, we have required a comprehensive revision of the rates, commodity descriptions, and minimum weights on salt, in carloads, from various producing points in New York, Ohio, Michigan, Kansas, and Louisiana, to various consuming points.

SECTION OF TARIFFS

There were filed 90,045 tariff publications containing changes in freight, express and pipe-line rates, passenger fares, and freight classification ratings. In addition thereto 977 publications were received for filing but were rejected for failure to give the notice required by the statute. Powers of attorney and certificates of concurrence were also filed aggregating 44,754. Applications received seeking special permission to establish rates or fares on less than statutory notice or to have waived certain of our tariff-publishing rules numbered 5,560. Specific orders were entered granting 4,387 and denying 702 of these applications. The remainder were disposed of otherwise. Correspondence relating to tariff construction in accordance with our rules and regulations promulgated under section 6 of the act, consisted of 37,382 letters received and 32,921 letters written. For our own use, as well as for the use of other branches of the Government and of shippers, 12,717 rate memoranda were prepared. Our duplicate tariff file has been maintained for the use of the public and the increasing demand for such file is marked. In compliance with section 25 of the act we have caused to be published a monthly schedule of sailings of steam vessels registered under the laws of the United States and intended to load general cargo at points in the United States for foreign destinations. Approximately 4,000 copies of this schedule are distributed each month among railway carriers.

SUSPENSIONS

Rate readjustments were protested and suspension asked in 656 instances, a decrease of 11 under last year. These protested adjustments, of which 89 represented reductions and 567 increases in rates, covered not only a large number of rate schedules but many thousands of rates.

The following action was taken on the requests for suspension:

Suspended.....	275
Refused to suspend.....	201
Schedules rejected, requests for suspension withdrawn, or protested schedules withdrawn.....	180
Total.....	656
Proceedings pending from previous year.....	106
New proceedings on suspension docket.....	275
Total.....	381

Of this number 243 were disposed of, a decrease of 60 under last year, 158 after formal hearing and report, and 85 informally without report.

THE FOURTH SECTION

The number of applications received was 226. The number of orders entered in response to applications was 332, of which 299 were denial orders or orders granting permanent relief and 33 authorizing temporary relief.

Of the orders entered, 58 were in response to applications included among the 5,031 applications for authority to continue fourth-section departures existing at the time the amendment of June 18, 1910, became effective, 268 were in response to applications filed subsequently, and 6 were in response to both old and new applications.

Applications withdrawn after correspondence with carriers numbered 18; orders granting relief in whole or in part, 54; orders denying relief, 55; applications assigned in whole or in part for hearing in connection with other proceedings, 204; and 190 applications or portions thereof were heard in independent fourth-section proceedings.

The number of petitions for modification of orders was 71, of which 61 were granted and 4 were denied. Six have not been passed upon.

Substantial progress has been made in the disposition of applications filed under the 1910 amendment to the fourth section. Of the 1,068 which remained undisposed of in our file on October 31, 1924, hearings have been held on 287. Of those heard, 120 have been disposed of in their entirety and 167 in part. Twenty-one of these applications have been disposed of as a result of correspondence with the carriers. The number still awaiting final action is 927.

In our last report we referred to a number of applications heard in *Southern Class Rate Investigation*, supra. The issues in that proceeding have been determined and fourth-section relief respecting class rates between points in southern territory and between points in that territory and points in official territory, has been denied except over circuitous routes and in the case of certain weak lines to which some relief has been granted on account of disabilities.

Following hearing, 99 applications for authority to continue through rates in excess of the aggregate-of-intermediate rates were denied. This disposes of all applications for relief from the aggregate-of-intermediates provision except those filed by carriers in central, trunk line, and southern territories. The rates in these territories have been or are now under investigation in proceedings instituted by us.

Upon the determination of these cases the remainder of the applications of this character will be assigned for hearing.

Fourth-section application No. 12436, referred to in our last report filed by the transcontinental carriers for authority to establish reductions in rates on commodities from points adjacent to and west of the Illinois-Indiana state line to Pacific coast terminals, without making corresponding reductions in rates to intermediate territory, is still pending.

RELEASED RATES

Applications from carriers for authority, under section 20 of the act, to limit their liability to the declared or released value of the property transported, as stated by the shipper, have been received to the number of 56. Eighteen such applications were pending on October 31, 1924. Of these, 37 have been granted, 7 denied, and 21 withdrawn by the applicants after we had informally pointed out defects or questioned the merits. Nine are now pending.

In *Crown Overall Mfg. Co. v. Director General*, 100 I. C. C. 471, we found that rates graded according to the actual value of the property may be fairly and effectively differentiated from released rates; that tariff provisions which require insertion in the bill of lading of the true value of the property transported, when moving under rates so graded according to actual value, are not limitations or attempted limitations of the carrier's liability to the shipper in the event of loss or damage in transit, and that such provisions are not, therefore, within the scope of paragraph (11), section 20, of the act, which prohibits and makes void all limitations of that character unless authorized by us. This decision overrules our previous finding in *U. S. Industrial Alcohol Co. v. Director General*, 68 I. C. C. 389.

CLASSIFICATION OF FREIGHT

In *Southern Class Rate Investigation*, *supra*, we found that in constructing class-rate scales governed by the southern classification the classes below first should reasonably bear the following relationships, in terms of percentage, to the first-class rates:

Class	1	2	3	4	5	6	7	8	9	10	11	12
Percentage of first class	100	85	70	55	45	40	35	30	25	22.5	20	17.5

Our investigation developed that under the existing class-rate scales the classes below first were, in a great many instances, irregularly and illogically related to the first-class rates. Evidence given by the respondent carriers was to the effect that on an average the class rates below first were related to the first class rates as follows:

Class	1	2	3	4	5	6	A	B	C	D
Percentage of first class	100	86	76	64	52	43	35	40	27	24

Under the relationships approved by us classes 7, 8, 9, and 10 are to be substituted for classes B, A, C, and D, respectively. Making the rates for the lower classes lesser percentages of first class will

avoid the necessity for the continuance of some of the numerous classification exceptions and commodity rates under which a large proportion of the traffic in southern territory now moves. The two additional classes approved by us, numbered 11 and 12, should also serve as a convenient substitute for certain commodity rates. The establishment of the new relationships between the classes, and especially the four upper classes, will tend to promote uniformity in ratings as between the southern and the western and official classifications.

During the year increased ratings became effective on 78 commodities, in official classification, 97 in southern and 63 in western. Ratings reduced, either voluntarily or in compliance with orders issued by us after hearing, numbered 118 in official, 140 in southern, and 129 in western classification. Carload minimum weights in the three classifications were increased on 32 and reduced on 15 commodities.

EXPRESS

In our last report we stated that our findings and orders in the general investigation of interstate express rates, reported in *Express Rates, 1922*, 83 I. C. C. 606, and 89 I. C. C. 297, required the express companies to recast their class-rate schedules on or before January 1, 1925. Subsequently, upon petition by the express companies and a showing that the preparation of schedules in accordance with the bases prescribed could not be completed, the effective date of our order was changed to March 1, 1925. New schedules of interstate first-class and second-class rates were duly filed and became effective on the latter date.

Express class rates computed on the bases prescribed for interstate traffic have been adopted and made effective upon intrastate traffic in all of the States except one, so that there is now substantial uniformity in interstate and intrastate express class rates throughout the country.

BUREAU OF LAW

On October 31, 1924, there were 23 cases involving our orders or requirements pending in the courts. During the year 15 cases have been instituted and 7 have been concluded, so that there are 31 cases now pending in the different courts. Of these, 5 are in the Supreme Court of the United States, 23 are in the district courts, and 3 are in the Court of Appeals of the District of Columbia.

Of the five cases submitted during the year to the Supreme Court of the United States all were finally disposed of, and one other case was dismissed by the court on motion of counsel for the carriers. One case was concluded in the United States District Court for the District of Minnesota, third division. Summaries of all the foregoing cases are shown in Appendix B.

The cases decided by the Supreme Court were:

United States and Interstate Commerce Commission v. Pennsylvania Railroad Company, 266 U. S. 191.

In this case the court had before it the question of the validity of our order in *Manufacturers Association of York, Pa. v. Pennsylvania Railroad Company et al.*, 73 I. C. C. 40, requiring the removal of the undue prejudice found to be caused by the practice of the Pennsylvania Railroad Co. and the Western Maryland Railway Co. in extending, each to the other, the use of their tracks to effect terminal receipt and delivery of carload freight on their lines at industries within a limited zone in York, while denying such use at industries in that city on said lines outside the zone. In stating matters advanced by the carrier, Pennsylvania Railroad Co., in support of its contention that the order was invalid, and in holding the contention to be without merit, the court, among other things, said:

The argument most strongly urged is this: In the absence of an appropriate order carriers are not obliged to extend or curtail their facilities; or to submit to enlarged use of their terminals. The arrangement by which the Pennsylvania and the Western Maryland extend, each to the other, the use of their tracks to effect terminal receipt and delivery of carload freight within the zone is a trackage agreement and is, in law, either a limited extension of the line of each carrier or an agreement for the limited common use by each carrier of terminal facilities of the other. To accord to plants without the zone the same service which, under the arrangement, is enjoyed by those within the zone would involve either a further extension of the tracks of each carrier or an enlargement of the common use of their terminal facilities. Under the Interstate Commerce Act, as amended by Transportation Act, * * * the Commission might, upon proper findings and conditions, have ordered such extension of tracks, under the powers conferred by §1, par. 21, * * *; or it might have ordered an enlargement of the common use of terminals under §3, par. 4, * * *; or it might have equalized rates and charges for plants within and without the zone by exercise of the power conferred by §15, pars. 3 and 4, * * * to establish through routes and joint rates. The grant of these specific powers indicates a purpose on the part of Congress to so restrict the Commission's general power to prevent unjust discrimination prohibited by §3, that a preference granted certain shippers served by a carrier by virtue of the ownership of tracks or trackage rights over other shippers not reached by the carrier, because it does not own tracks or trackage rights which would enable it to reach them, can not warrant a finding of undue discrimination; and that similarly the withholding or possession of trackage rights between carriers can not, in law, constitute undue preference. * * *. (Id. 197-198.)

The argument is, in our opinion, unsound. There is nothing in the Act to Regulate Commerce, as originally enacted, or in Transportation Act, 1920, or in any earlier amendment, which indicates a purpose on the part of Congress either to allow a carrier to create undue prejudice by the use of facilities possessed or to narrow the Commission's powers to prevent unjust discrimination. * * *. (Id. 199.)

The Commission has found, not merely that the facilities in question were granted to some and refused to others, but that the grant and refusal have, by reason of the use made and intended to be made of the facilities, resulted in undue prejudice. It is true that an extension of trackage rights, an enlarged common use of terminals, or the establishment of through routes and joint rates, or the withdrawal of any of them, could not be ordered except upon the findings and conditions prescribed in the act. But the order complained of does not require any such thing. It requires only that the carriers shall desist from a practice which involves such use as has resulted and will result in the undue prejudice found. The order leaves them free to remove the discrimination by any appropriate action. * * *. (Id. 199.)

The Delaware and Hudson Company et al. v. The United States of America and Interstate Commerce Commission, 266 U. S. 438.

In this case carriers included in the Delaware & Hudson system filed a petition in which they asked the court to set aside tentative valuations of their properties made by us under section 19a of the interstate commerce act, against which the carriers had filed protests in our office, upon the ground that the tentative valuations did not constitute a full compliance with pertinent provisions of the act. In ordering the petition dismissed for want of equity, the court said:

The "tentative valuation" of the statute is no more than an *ex parte* appraisal without probative effect. By the authorized "protest" the carrier may offer objections to anything done or omitted in respect thereof and secure the commission's rulings before the valuation becomes final. Prior to the present proceeding protests, raising the very issues now tendered, had been made and were awaiting action. There is nothing to indicate that the commission willfully disregarded the law as honestly interpreted or failed to proceed in an orderly manner, or that it will not consider and pass upon all the matters set up in the protest and repeated here. Pending further action by it the tentative valuation will not become final and no proceedings thereon can be taken. Under the circumstances disclosed appellants must pursue the remedy provided by the statute and give the Commission opportunity to take final action before they can properly ask interposition by the courts. (Id. 448-449.)

The United States of America, Interstate Commerce Commission, et al. v. The Village of Hubbard, Ohio; The United States of America, Interstate Commerce Commission, et al. v. The City of Wellsville, Ohio, 266 U. S. 474.

In these cases the court had before it the question of the validity of our orders in *Ohio Rates, Fares, and Charges*, 64 I. C. C. 493, and *Ohio and Pennsylvania Rates, Fares, and Charges*, 64 I. C. C. 517, requiring increases in certain intrastate fares. In describing the issue involved and stating its ruling thereon, the court, among other things, said:

These cases were argued together. They present on substantially similar facts the question whether interurban electric railroads engaged in interstate commerce are subject generally to regulation by the Interstate Commerce Commission.

Each case is a direct appeal, under the Act of October 22, 1913, * * *, from a final decree of the Federal court for northern Ohio setting aside an order of

the Commission. In each the plaintiff below was an Ohio municipality, and the carrier, who intervened as defendant, an independent interurban electric railroad. The carriers operate lines within and between Ohio municipalities, and also between these and a city in an adjoining State. The orders require the carriers to raise intrastate interurban passenger fares which, as the Commission found, subject interstate commerce to unjust discrimination. Fares within the Ohio municipalities are not affected. * * *.

* * * The District Court held the orders void, on the ground that the jurisdiction conferred by Congress upon the Commission did not extend to interurban electric railroads of the character of those here involved; that its jurisdiction was limited to those which are operated as part of a general steam railroad system, or which, if operated independently, are engaged in the general transportation of freight, in addition to their passenger and express business; and that these carriers possessed neither of "these dominating characteristics." * * *. We have no occasion to enquire into the correctness of the latter ruling, as we are of opinion that the Commission's jurisdiction to prevent unjust discrimination by interurban electric railroads against interstate commerce is not so limited.

* * * The development of interurban roads became general about 1902. The authority to regulate them has been consistently exercised by the Commission in many cases and for many purposes. Since 1915, interurban electric roads have been required to file with it annual reports of their finances and operations. * * * In exercising authority over their passenger fares, no distinction has been made between those interurban roads which were engaged in the general transportation of freight in addition to their passenger and express business and those which were not. On the other hand the distinction suggested in *Omaha & Council Bluffs Street Ry. Co. v. Interstate Commerce Commission*, 230 U. S. 324, 337, between interurban railroads and urban or suburban street railways has been carefully observed.

Neither in the Act to Regulate Commerce, * * *, nor in any amendments thereto prior to that of June 18, 1910, * * *, is there any specific reference to electric railroads. The basis for the jurisdiction of the Commission over them, is the generality of the language of the original act, which declared in §1 that its provisions "shall apply to any common carrier or carriers engaged in the transportation of passengers or property * * * by railroad." As the act made no distinction between railroads operated by steam and those operated by electricity, the Commission made none. * * *.

The correctness of the Commission's action in assuming jurisdiction over the interurban roads is confirmed by the action of Congress which, in recent amendments of the Act to Regulate Commerce, limited, in respect to certain subjects, the authority over them. The Commission entertained, in 1908, applications of interurban electric railroads to establish for freight through routes and joint rates with steam railroads. The Act of June 18, 1910, * * *, provided that "the commission shall not * * * establish any through route, classification, or rate between street electric passenger railways not engaged in * * * transporting freight in addition to their passenger and express business and railroads of a different character." Transportation Act, 1920, * * * enlarged, in several respects, the powers of the Commission, and dealt also in other ways with carriers engaged in interstate commerce. In doing so, it provided expressly in five sections for the exclusion of certain electric railways from the operation of the powers conferred; and it also differentiated interurban electric railways from street and suburban railways by specific reference to each, although a distinction in treatment was made in only one case. These provisions indicate that Congress did not intend to deny to the Commission the power to regulate interurban railways in other respects. (Id. 476-480.)

United States of America at the relation of the Kansas City Southern Railway Company et al. v. Interstate Commerce Commission, — U. S. —.

In this case the court, on October 19, 1925, denied a petition for a writ of certiorari, filed by carriers comprised in the Kansas City Southern System, to review a judgment of the Court of Appeals of the District of Columbia affirming a judgment of the Supreme Court of the District dismissing an application for a writ of mandamus to compel us to fix and report exchange values of the properties of the carriers, to supplement our analyses of methods, to report separately from values for rate-making purposes other values and elements of value, to estimate original cost to date, and to include in the value of the properties of the Kansas City Southern certain values represented by ownership of capital stock and of a trackage right.

The mandamus proceeding arose from our order of March 4, 1924, fixing as of June 30, 1914, the final values of the carriers' properties for rate-making purposes, 84 I. C. C. 113.

Other cases in which decisions of the Supreme Court involved orders made by us are:

William Danzer & Company, Inc. v. Gulf & Ship Island Railroad Company —, U. S. — (decided June 8, 1925.)

In this case the court had before it the question of the validity of our order in *William Danzer & Company, Incorporated, v. Gulf & Ship Island Railroad Company et al.*, 69 I. C. C. 59, requiring the Gulf & Ship Island Railroad Co. to pay reparation to the complainant for damages suffered by it in consequence of the misrouting by the carrier of a carload of lumber. Before the complaint was filed in our office the claim upon which the reparation was based had been barred by the two-year period of limitation contained in section 16 (3) of the interstate commerce act, but we found that the liability of the carrier under the claim had been revived by paragraph (f) of section 206 of the transportation act, 1920. In holding this finding to be erroneous the court, among other things, said:

Plaintiff's right to file his claim with the commission had expired several months before the passage of the Transportation Act. But if the period of Federal control is to be excluded, the complaint was filed within time. During the period between such expiration and the passage of the Transportation Act, plaintiff had no right to file a claim with the commission and had no cause of action. It is settled by the decisions of this court that the lapse of time not only barred the remedy but also destroyed the liability of defendant to plaintiff. *Phillips v. Grand Trunk Ry.*, 236 U. S. 662, 666; *Louisville Cement Co. v. Interstate Commerce Commission*, 246 U. S. 638, 642; *Kansas City Southern Ry. v. Wolf*, 261 U. S. 133, 139. On the expiration of the two-year period, it was as if liability had never existed. And this court applying the rule of construction that all statutes are to be considered prospective unless the language is express to the contrary or there is a necessary implication to that effect, recently has held that section 206 (f) does not apply to causes of action which were barred by a state statute of limitations before the passage of the Transportation Act. *Fulleton Company v. Northern Pacific*, 266 U. S. 435, 437.

Plaintiff suggests that the only period of limitations applicable to claims for reparation is that prescribed by section 16 (3), and argues that as the period of Federal control exceeded two years section 206 (f) must be construed retrospectively or given no effect.

* * * Section 206 (f) will not be construed retroactively to create liability. To give it that effect would be to deprive defendant of its property without due process of law in contravention of the fifth amendment. * * *

The paragraph of the transportation act referred to reads as follows:

The period of Federal control shall not be computed as a part of the periods of limitation in actions against carriers or in claims for reparation to the Commission for causes of action arising prior to Federal control.

Avent v. United States, 266 U. S. 127.

In this case the court had before it the question of the validity of a service order made by us under section 1 (15) of the interstate commerce act, and in describing the order and holding it to be valid the court said:

On July 25, 1922, the Interstate Commerce Commission, reciting that in the opinion of the Commission an emergency which required immediate action existed upon the railroad lines east of the Mississippi River, ordered that coal cars should be furnished to the mines according to a certain order of purposes numbered in classes 1, 2, 3, 4, and 5, and that no coal embraced in classes 1, 2, 3, or 4 should be subject to reconsignment or diversion except for some purpose in the same or a superior class. The making of gas falls in class 2; the making of Portland Cement into class 5.

The plaintiff in error was indicted for fraudulently inducing interstate carriers to transport coal seemingly intended to be used to make gas, but actually intended to be used to make Portland Cement, in violation of the Commission's order. A demurrer to this indictment was overruled and the plaintiff in error pleaded guilty and was sentenced to a fine. Subsequently he moved in arrest of judgment upon the grounds that the order and the statute if it authorized the order were unconstitutional, as depriving him of due process of law, and as exercising a power reserved to the States; and also that the order granted a preference to the ports of one State over those of another. The motion was overruled and a writ of error was taken direct to this Court.

The right to come here depends upon the presence of some substantial constitutional question. But so far as such questions are raised, we are of opinion that they are not substantial in view of previous decisions. We must take it that an emergency contemplated by the statute existed, as found by the Commission and alleged in the indictment. That in such circumstances Congress could require a preference in the order of purposes for which coal should be carried consistently with the Fifth Amendment is clear * * *. That it can do so without trenching upon the powers reserved to the States seems to us not to need argument. That it can give the powers here given to the Commission, if that question is open here, no longer admits of dispute. * * * The statute confines the power of the Commission to emergencies, and the requirement that the rules shall be reasonable and in the interest of the public and of commerce fixes the only standard that is practicable or needed. * * *. Congress may make violation of the Commission's rules a crime. * * *. The alleged preference of ports if there is anything in the objection, does not concern the plaintiff in error. * * * (Id. 129-131.)

J. W. Patterson et al. v. Louisville & Nashville R. R. Co. et al. — U. S. —. (Decided Oct. 12, 1925.)

In this case the court had before it the question of the validity of a reparation order made by us in what is known as the *Hudson Mule Company case*, 63 I. C. C. 6; 74 I. C. C. 419, and 93 I. C. C. 325, and held that, as the case was presented in court on behalf of the shippers, the order was unenforceable because it had not a sufficient foundation upon which to rest. In this connection the court, among other things, said:

The complaint before the Commission as amended charged that the through rates were "unreasonable, excessive, and unjustly discriminatory contrary to the First, Third, and Fourth sections," and also charged specifically that they violated the aggregate-of-intermediates clause above quoted. The reports shows that relief was not granted on the ground of unjust discrimination under section 3, nor on the ground of departure from the long-and-short-haul clause of section 4. As to the remaining grounds of relief asserted in the complaint, the report states: "* * * we find that, while the rates assailed appear not unduly high, they were unreasonable in and to the extent that they respectively exceeded the aggregates of the intermediate rates subject to the act; that complainants made shipments and paid and bore the charges thereon upon the basis of the through rates and were damaged thereby; and that they are entitled to reparation on the basis of the difference between the respective through rates and the sums of the lowest intermediate rates subject to the act applicable on all shipments which moved since the dates above stated for the several complainants."

Whether the Commission intended to base its order of reparation upon section 1, or upon the aggregate-of-intermediates clause of section 4, or upon both, is left uncertain by the language used. The District Court apparently assumed that the report awarded, and the declaration sought, such relief on both grounds. It held that there was no liability under section 4, because the Commission had found that the through rates which exceeded the local had been protected by proper application for relief from the operation of that clause of the section. It held that there was no liability under section 1, because the Commission found that the through rates, although higher than the aggregate of the intermediates, were "not unduly high." The Circuit Court of Appeals construed the declaration as seeking recovery only on the ground that the quoted clause of section 4 had been violated; and it affirmed the judgment because the shippers had failed to show that this violation had caused them special pecuniary damage. The declaration, and the brief and argument submitted for the shippers in this Court, make it clear that the only cause of action sued on is the violation of the aggregate-of-intermediates clause of section 4. We have, therefore, no occasion to pass upon the effect of the finding that the through rates were "not unduly high" or on other questions discussed by counsel bearing upon liability under section 1.

* * * * *

It is true that the due filing of such an application for relief from the aggregate-of-intermediates clause or even an order granting relief thereon, would not render legal a rate which violated some other section of the Act. See *United States v. Merchants, etc., Assn.*, 242 U. S. 178, 188. A through rate would be unlawful, despite such an order, if it violated section 3, because unjustly discriminatory, or if it violated section 1, because unreasonably high. The Commission is correct in holding, as before stated, that if a through rate higher than the aggregate of the intermediates is attacked under section 1, the *prima facie* presumption that such higher through rate is unreasonable, and hence unlawful, obtains now as it did before the 1910 amendment. But no such question could arise in a proceeding limited to section 4. * * *

BUREAU OF INQUIRY

For violations of the interstate commerce act and related acts 31 indictments were returned and 14 informations were filed. Sixty-four cases were concluded. For disobedience of our orders 7 penalty suits were instituted. The fines and penalties imposed aggregated \$140,125. Prosecutions instituted and concluded were distributed over the following States and the District of Columbia: Arkansas, California, Colorado, Illinois, Indiana, Louisiana, Maryland, Michigan, Missouri, Montana, Nebraska, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

The indictments returned and informations filed charged the falsifying of records of common carriers, unlawful use of interstate passes, granting of concessions and discriminations by carriers, accepting and receiving of concessions and discriminations by shippers, charging and receiving by carriers of greater compensation for transporting property for a shorter than for a longer distance, extending unlawful credit for freight charges by carriers, issuing and concurring in the unlawful issue of securities by carriers and carriers' officials, and frauds in connection with the issuance and use of bills of lading. Summaries of the indictments returned, informations filed, penalty suits instituted, and cases concluded during the year will be found in Appendix A.

BUREAU OF SERVICE

REORGANIZATION

Heretofore the activities of this bureau have been directed chiefly to the performance of duties imposed upon us by paragraphs (10) to (17), inclusive, of section 1 of the interstate commerce act, which relate primarily to car service. We have enlarged the scope of the bureau's work, and on April 1 subdivided it into three sections, those of car service, of efficiency and economy of operation, and of transportation of explosives and other dangerous articles, respectively.

The term "car service" as used in the act includes the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars, and other vehicles used in the transportation of property, including special types of equipment, and the supply of trains by any carrier by railroad subject to the act.

There are seasonal fluctuations in the movement of commodities, such as coal, grain, and perishables. To meet the demands of shippers in various sections of the country it is necessary to anticipate traffic requirements with a view to timely and equitable distribution of equipment. Periods of urgent demand call for cooperation through accelerated movement by carriers and prompt release of cars by shippers and consignees.

In carrying out the foregoing provisions of the act the field forces are shifted to the loading or receiving centers to see that safe and adequate car service is rendered. Special efforts are made to promote efficiency in the use and handling of equipment at such periods.

Our direct activities with respect to efficiency and economy of operation have thus far been confined to investigations of costs of repairs to locomotives and other equipment at outside contract shops, as contrasted with what it would have cost the carriers to make such repairs in their own shops.

Work relating to efficiency and economy of operation and to car service is so interrelated that by combining the activities with respect to them in one bureau overlapping is eliminated and the office and field organizations of the entire bureau can be fully utilized as conditions justify.

Under the transportation of explosives act we are directed to formulate regulations for the safe transportation within the limitation of the jurisdiction of the United States of explosives and other dangerous articles, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases and poisonous substances. As these regulations deal with transportation of the explosives and dangerous articles, they involve to a large extent both safety and car service. The location of a car of explosives or dangerous articles in the train is important not only from a transportation standpoint, but also from the point of view of safety in operation.

SECTION OF CAR SERVICE

This section has laid special emphasis on the need for increased car mileage, heavier car loading, preclassification of cars in freight trains, observance of car service rules, and decreased percentage of bad-order cars, and has constantly directed its efforts to the promotion of operating efficiency on all railroads subject to our jurisdiction.

The importance of preclassifying freight trains has been repeatedly called to the attention of the carriers. One of the important features of operating efficiency is to move traffic in solid trains, kept together for the longest possible distances. Under this practice freight is assembled in trainload lots at or near the originating point. These trains are then dispatched through to destination, or, where that is not possible, to break-up points near destination.

This practice not only promotes expeditious movement but minimizes switching in transit and at intermediate terminals, with resultant savings to the carriers. We have also urged the carriers to deliver cars to their connections in blocks so that preclassification may be worked out easily and with less switching. Many carriers have adopted our suggestions along this line, with savings which amply demonstrate the soundness of the practice.

Considerable study and time has been devoted toward minimizing cross-hauling of empty cars of the same type, a wasteful practice which results in no little expense.

The necessity for prompt release of cars by shippers and consignees is constantly emphasized, especially as to refrigerator cars, the demand for which is increasing. The haul from the point of production of perishables to consuming markets is often long, and prompt unloading and movement is necessary. This is generally recognized, but nevertheless many consignees are prone to use the cars for sales-rooms and storage purposes. The resulting delay in return to originating territory is in some measure responsible for seasonal car shortages. In an effort to speed up the release of refrigerator cars committees of the principal fruit and vegetable shippers and receivers in each city have been formed by the regional advisory boards. Their efforts have resulted in more prompt release of refrigerator cars this season, and it is hoped that this plan will be continued. The delay in the release of such cars, however, is still excessive, and if the practice is persisted in it may be that more effective steps will become necessary.

CAR-SERVICE RULES

Closer observance of the car-service rules of the American Railway Association by the carriers is being advocated at all times. We are continually taking up with the carriers practices under these rules which will result in a saving to them. One is the short routing of empty foreign cars to the home line. Where this is done car-service rule No. 4 provides that the line over which the car moves in the short route shall receive 5 cents per mile. In many instances a car can be short routed home by a movement of from 10 to 100 miles, while under the ordinary course it would move home over the route of outbound movement thus necessitating a haul of from 200 to 500 miles or more. The car-service rule provides that if a freight car is on a foreign line other than a direct connection and can not be loaded in the direction of the owning road, it must be sent to the owner empty via the roads traversed on the outbound trip, irrespective of the distance or direction of this home route, and must be delivered to such roads at the interchange points where originally received, unless the carriers agree to short route the car home. The road which requests the short routing pays the cost thereof.

From May 16 to June 15, one carrier short routed home 1,827 cars, with a saving of 465,332 empty-car miles, which, at the estimated cost of 5 cents per mile, resulted in a saving of approximately \$23,267. This does not include the per diem saving, estimated at \$5,481, or a total for the period of \$28,748.

Other lines are adopting the practice and reciprocal arrangements are being worked out among several of them. Under plans of this

nature one carrier from January 1 to June 30, inclusive, disposed of 2,711 cars. This feature is being constantly called to the carriers' attention as one way in which economies may be effected.

SECTION OF EFFICIENCY AND ECONOMY OF OPERATION

As stated in our last report, to go exhaustively into the question of efficiency and economy of railroad management would necessitate a much larger organization of technical experts especially qualified to investigate the various phases of railroad operation than we can now have. We must, therefore, rely to a large extent upon data filed by the carriers on prescribed forms and upon information gathered at formal hearings which, as far as possible, are analyzed and given practical application by the limited force of experts assigned to this work.

The following tables of selected operating ratios in a measure indicate relative operating efficiency:

Comparison of selected items, operating averages, Class I steam roads, eight months, 1920 to 1925, also August, 1925, 1924, and 1923

UNITED STATES

Eight months ended with August	Net ton-miles per mile of road per day	Trainload		Average miles per hour of trains	Net ton-miles per car-day	Average car-load tons	Car-miles per car-day	Per cent loaded of total	Cars per train	Locomotive miles per locomotive day
		Gross tons (except locomotives)	Net tons							
1920.....	5, 179	1, 433	708	10.3	483	28.8	24.0	69.9	36.2	61.6
1921.....	3, 929	1, 423	646	11.5	378	27.9	21.7	62.5	38.1	48.3
1922.....	3, 999	1, 445	655	11.5	388	26.2	22.3	66.4	38.6	48.8
1923.....	5, 341	1, 528	716	10.8	510	28.2	27.4	66.0	39.4	60.3
1924.....	4, 792	1, 569	704	11.5	455	26.8	26.1	65.0	41.4	54.0
1925.....	5, 116	1, 655	740	11.9	475	27.0	27.3	64.5	43.5	56.0
August—										
1923.....	5, 552	1, 592	745	11.0	528	28.5	28.3	65.4	40.9	60.1
1924.....	5, 010	1, 655	746	11.7	472	27.1	26.7	65.2	43.2	52.
1925.....	5, 725	1, 759	796	11.8	526	27.8	29.5	64.1	45.6	59.0

Percentage of locomotives and freight cars unserviceable

UNITED STATES

Period	Per cent of freight cars unserviceable	Per cent of locomotives unserviceable		Period	Per cent of freight cars unserviceable	Per cent of locomotives unserviceable	
		Road freight	Road passenger			Road freight	Road passenger
1920.....	7.0	24.5	24.8	1923.....	8.0	21.6	20.8
1921.....	13.1	24.0	23.1	1924.....	7.8	18.8	18.5
1922.....	12.8	25.5	23.5	1925 (8 months).....	8.0	18.3	18.1

For some time we have been conducting an investigation into and concerning the efficiency and economy of management of the carriers, particularly with reference to expenditures for repairs to locomotives

and other equipment at construction and repair shops other than their own. Several reports having reference to individual carriers have already been issued. The maintenance expenditures on 16 railroads investigated included repairs in contract shops to 1,154 locomotives which exceeded by \$15,283,748.97, an average of \$13,244.15 per locomotive, the cost of similar repairs made to locomotives at the railroad shops.

On July 6 we directed all carriers by railroad of Class I to file with us copies of contracts and agreements entered into with any construction or repair shops, other than their own, for the repair or rebuilding of any locomotive, car or other equipment used in the service of transportation. This section receives, analyzes, and checks these contracts and conducts the necessary field investigations in connection therewith.

SERVICE ORDERS

Since our last report we have found it necessary to exercise our emergency powers in one instance. Service Order No. 41, entered on August 8, 1925, and canceled August 24, 1925, directed the Missouri Pacific, owing to damage to the incline at Vidalia, La., to divert certain oil traffic for Baton Rouge, La., which normally moved over its line to Natchez, Miss., and thence Yazoo & Mississippi Valley, over the Missouri Pacific to Ferriday, La., Texas & Pacific to Anchorage, La., and Gulf Coast Lines.

Service Order No. 40, referred to in our last report, is still in effect.

COOPERATION

The policy under which we have sought to promote cooperation between carriers and shippers has been continued, and in application is being expanded.

In our last report we referred to organization of regional advisory boards by the car-service division of the American Railway Association. Since that time two additional boards have been formed, one representing the Pacific Northwest, and the other the New England States. These additions make a total of 12 boards now functioning.

COOPERATIVE TESTS

During the year we have cooperated with the Department of Agriculture in making tests of refrigerating methods and appliances as used in the movement of perishables by rail. Our representatives and those of the Department of Agriculture supervise the icing, loading, and unloading of the cars and accompany them from point of origin to destination. The car is equipped with a cable containing 12 branch wires with electrical resistance thermometers attached, which are placed in the lading at different points in the car. Temperatures are recorded every five hours by means of a mechanical instrument attached to the cable on top of the car.

The first of these tests was in respect of the movement of strawberries from the eastern shores of Virginia and Maryland. The shippers contended that the minimum number of crates of berries provided for in the carriers' tariff could not be carried safely because of improper refrigeration. In order to determine the fact two tests were made. The matter is now before us on formal complaint.

The top icing of green vegetables has been the subject of dispute for some time. At present the carriers permit shippers to place from 1,500 to 12,000 pounds of ice on top of the lading without making a transportation charge therefor. This practice is constantly growing. During certain seasons of the year the shippers rely entirely upon the ice on the lading and in the crates, and are not having the carriers place ice in the bunkers of the car. They thus secure refrigeration without payment of a refrigeration charge other than the charge for transporting the ice in the crates. Carriers have filed tariffs providing a charge for the transportation of ice on the load and for damage to the car caused by the melting of that ice. We suspended the schedules pending investigation. Elaborate hearings were had, but it seemed evident to all concerned that the only way to definitely determine the facts and come to a proper conclusion was by tests made in cooperation with the Department of Agriculture. We authorized such cooperative tests and prepared a plan for conducting them, which was submitted to the carriers and shippers for comment or criticism. These tests are being made with the full approval and assistance of both sides to the controversy.

A controversy has existed for some time with respect to the proper estimated weight to be applied in connection with the freight rates on peaches in standard crates and bushel baskets from points in Georgia, and a formal complaint is now pending before us on that question. A committee representing the carriers and shippers asked us to cooperate in the weighing of peaches during the peach season in order to determine what a fair and reasonable estimated weight would be. We did so and two of our service agents spent approximately six weeks at the various shipping and packing points.

For some time also there has been a large accumulation of serviceable, idle, open-top cars in certain districts, particularly in the Allegheny district, caused by low production of bituminous coals. In addition, the percentage of bad-order cars in that district was far in excess of the limit set by the carrier executives. In anticipation of a strike in the anthracite coal fields and consequent diversion of bituminous coal through unusual channels, the attention of the carriers was directed to the bad-order situation with the suggestion that effective steps be taken to put the equipment in serviceable condition so as to avoid the possibility of a coal car shortage in the early fall and winter, and also the increased costs incident to conditioning bad-order equip-

ment during the period of heavy demand for cars. Replies received indicated that necessary steps to prevent potential shortages of open-top cars were in progress.

We also urged upon New England carriers the necessity of promptly returning open-top cars to the coal-originating territory, after the lading had been removed therefrom, because it was anticipated that with the cessation of the movement of anthracite coal to that territory the carriers would be called upon to move an unusually large amount of bituminous coal.

FREIGHT CONGESTION IN FLORIDA

This is the most serious situation with respect to congested traffic that has confronted us during the year. The line principally involved is the Florida East Coast Railway. Complaints from many sources, including the Governor of Florida and the Florida Railroad Commission, were received by us with respect to the failure of carriers to accept and move traffic currently.

The unprecedented activity in Florida has rendered inadequate the facilities of the carriers in that State and the continuously increasing amount of business throughout the summer, which under normal conditions is the period of business inactivity, seriously interfered with the double tracking, yard, and terminal extensions, and other improvement programs which the Florida East Coast Railway has under way.

On August 14, because of accumulation and congestion of traffic, the Florida East Coast placed an embargo against all carload freight, with certain exceptions, for all points on the line. This embargo was later modified so as to apply only to points south of West Palm Beach, with certain exceptions. In order to equalize the treatment among the shippers and cities along the line this carrier again modified the embargo and made it applicable only to points from Jacksonville to Riviera, the first station north of West Palm Beach, except that lumber to all points would be accepted only when covered by a permit issued by a representative of the carrier.

In an effort to circumvent the embargo shippers immediately resorted to shipping less-than-carload quantities. It was not long before carriers' warehouses and other facilities for handling this class of traffic were overtaxed, and an embargo was placed against less-than-carload traffic. Resort was next had to boat lines or express service. Those facilities were soon overtaxed, and additional embargoes were placed. Other carriers serving Florida found their facilities inadequate to cope with the ever-increasing amount of traffic which they were called upon to handle, and also resorted to the embargo.

These embargoes, with certain exceptions and modifications made from time to time, are still in effect.

Service agents were sent to Florida to keep in touch with the situation, to work cooperatively with carriers and shippers, and to devise ways and means for minimizing particular hardships. The reduced operating efficiency due to the clogged condition of terminals and sidings was attributable in part to the failure of consignees to unload cars promptly. We solicited the support of municipal authorities and civic organizations, with the result that many of the communities made concerted drives to release cars.

We also urged the carriers connecting with the Florida East Coast to preclassify cars in so far as possible prior to delivery to it, so as to avoid delays at terminals and facilitate the movement. Splendid cooperation was afforded, but we can not look for material improvement in the situation until the extensive program for double tracking the line of the Florida East Coast between Jacksonville and Miami and the enlargement of terminal facilities now well under way are completed.

EMBARGOES

The embargoes in effect at the present time, other than those relating to Florida or the juice-grape movement, are of a specific nature, i. e., applying against individual consignees or some particular class of traffic. Some of these apply to seasonal movements, such as coal for transshipment via the Great Lakes, and perishable traffic in other than refrigerator equipment where such traffic would be affected by climatic conditions.

EXPRESS

A normal situation with regard to the movement of express business has continued throughout the year in most places. The few complaints received have been satisfactorily adjusted.

In our last report we referred to complaints alleging discrimination as between Tennessee and Louisiana shippers in the distribution of express refrigerator cars for shipment of strawberries. In order to prevent a recurrence of such discrimination, we handled the matter with the express company prior to this year's movement. As no complaints were received it would seem that the cause has been removed.

TOTAL REVENUE FREIGHT LOADED

The aggregate number of cars loaded with revenue freight during the year ended October 31, 1925, is estimated as 50,934,000, which surpasses all previous high records. In that period the carriers reported on line, available for service, a daily average of 245,000 railroad-owned serviceable freight cars which were idle because the supply exceeded the demand. The minimum number of such idle

cars was 111,619 on October 31, 1925, and the maximum number 344,959 on March 31, 1925. For the 12 months ended October 31, 1924, 1923, and 1922, the total loading approximated 48,374,000, 49,794,614, and 41,868,771 cars, respectively.

In the week ended August 29, 1925, there were loaded 1,124,436 cars of revenue freight. This established a new high record for one week, and exceeded by 11,383 the preceding peak of 1,113,053 cars loaded during the week ended October 25, 1924.

MISCELLANEOUS FREIGHT

The increase in freight traffic has been due principally to greater movement of miscellaneous carload freight and less-than-carload shipments. Miscellaneous carload freight, which includes iron and steel, cotton, road and other building materials, petroleum, produce, packing-house products, perishable commodities, vehicles and other manufactured articles, and many miscellaneous items, approximated 18,629,000 carloads in the year ended October 31, 1925, compared with 17,212,000, 17,206,938, 14,361,511, and 13,140,666 cars in the 12 months ended October 31, 1924, 1923, 1922, and 1921, respectively. Less-than-carload shipments of merchandise and other items aggregated 13,113,000, 12,487,000, 12,054,289, and 11,841,641 cars in same periods of 1925, 1924, 1923, and 1922, respectively.

PERISHABLE FREIGHT

The movement of perishable freight for the year ended October 31, 1925, is estimated at 946,000 cars, compared with approximately 950,000 cars for the same period in 1924, and 890,000 in 1923. Reports of inability to secure refrigerator cars reached us from shippers in California, Idaho, Oregon, and Washington during the month of October. The shortage in California is due in some measure to the exceptionally heavy movement of juice grapes. Shippers were fearful of the effect of anticipated heavy rains, and in consequence undertook to load as many cars as possible. This depleted the supply of refrigerator cars which, with normal loading, would probably have been ample. In order to somewhat alleviate the situation some of the empty refrigerator cars which otherwise would go to the Pacific northwest for loading were diverted to California. This, together with the unusually heavy loading in the Northwest, resulted in a temporary shortage there. Active measures have been taken to induce consignees throughout the country to promptly unload refrigerator cars and the carriers to speed up the return movement of empty cars to originating territory so as to overcome the shortage as soon as possible.

The difficulties experienced in previous years in the handling of perishables, particularly grapes, at New York led this year to arrange-

ments similar to those of 1923 and 1924 as outlined in our report for 1923. Blanket authority was again given by the shippers to the refrigerator car department of the car service division, located at Chicago, to divert at Chicago to other lines shipments of grapes routed over the Erie, as necessary, in order to keep them coming as rapidly as the market would absorb them. It was again agreed between the trade and carriers that all grapes should be handled on the New Jersey side of the Hudson River, and embargoes against handling them on Manhattan Island were again issued.

COAL

The bituminous coal production for the year ended October 31, 1925, aggregated about 507,739,000 net tons, compared with 480,986,000 tons for the same period in 1924, 573,886,000 tons for 1923, and 395,735,000 tons for 1922, the year of the extensive coal strike.

For the same period, anthracite production totaled approximately 75,534,000 tons for 1925, 89,239,000 tons for 1924, and 95,672,000 tons for 1923. Anthracite mining was suspended at the close of business August 31, 1925, and has not been resumed.

The bituminous lake coal movement for the calendar year 1925 to October 31, plus the stocks at the head of the Lakes on April 1, totaled 24,930,595 net tons, and exceeds the corresponding figure in each of the preceding six years, except 1923. Stocks on hand at the head of the Lakes as of April 1 with the tonnage dumped to October 31 for 1924 and previous years, are shown below:

Year	Bituminous stocks at the head of the Lakes Apr. 1	Net tons dumped into boats to Oct. 31	Stocks Apr. 1, plus tons dumped to Oct. 31	Per cent of 1925
1919.....	2,439,749	20,756,836	23,196,585	93.0
1920.....	644,968	19,090,827	19,735,795	79.2
1921.....	1,765,784	20,870,869	22,636,653	90.8
1922.....	3,334,228	14,157,929	17,492,157	70.2
1923.....	878,856	25,979,765	26,858,621	107.7
1924.....	3,180,331	19,609,283	22,789,614	91.4
1925.....	2,368,131	22,562,464	24,930,595	100.0

The anthracite coal dumped into boats at Lake Erie ports during the calendar year to October 31 aggregated about 1,793,516 net tons in 1925, 2,799,209 tons in 1924, and 2,949,762 tons in 1923.

Receipts of bituminous coal in New England during the 12 months ended October 31, 1925, are estimated as 19,940,000 net tons, compared with 18,516,000, 24,005,000, 18,353,000, and 17,954,000 tons during the 12 months' periods ended December 31, 1924, 1923, 1922, and 1921, respectively. For the same periods, anthracite receipts approximated 10,000,000 tons in 1925, 10,925,000 tons in 1924, 12,110,000 tons in 1923, and 6,200,000 tons in 1921.

FOREST PRODUCTS

The movement of forest products continues to increase. The loading for the 12 months ended October 31, 1925, is estimated as 3,759,000 cars, compared with 3,667,000, 3,697,000, and 2,812,732 cars for the same periods in 1924, 1923, and 1922, respectively.

GRAIN AND GRAIN PRODUCTS

The grain movement during the past year was slightly less than during either of the three preceding years, the loading amounting to approximately 2,317,000, 2,541,000, 2,323,926, and 2,354,598 cars during the 12 months ended October 31, 1925, 1924, 1923, and 1922, respectively.

LIVESTOCK

Livestock shipments were also less than in 1924 and 1923, but exceeded those of 1922. The total loading figures were 1,677,000, 1,747,000, 1,760,327, and 1,577,696 cars for the 12 months ended October 31, 1925, 1924, 1923, and 1922, respectively.

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Since our last report, regulations for the safe transportation of explosives and other dangerous articles by land were amended by five formal orders containing 165 changes in the requirements. Twenty-seven further changes are under investigation. New requirements applying to the transportation of arsenic and other poisonous substances used as dry or liquid insecticides, storage batteries with liquid acid content, and tank cars designed especially for the transportation of poisons and for helium gas, were among the subjects of special study and of restrictive orders approved by us.

For better information of the shippers and carriers of hazardous articles a modified system of publication of proposed changes in our regulations, and quarterly hearings for the consideration of these changes, were instituted. Two periodical hearings followed by formal orders establishing the approved changes have shown this procedure to be desirable.

One accident in the shipment of toy torpedoes, causing the injury of an express messenger, resulted in the institution of prosecution which is now pending.

Accidents in 1924 compared to 1923 show:

Year	Number of accidents	Killed	Injured	Property loss
1924.....	1,299	8	59	\$831,923
1923.....	1,371	16	86	833,494

The principal losses were in the transportation of inflammable liquids, particularly gasoline transported in tank cars, which caused five of the eight deaths and 84.13 per cent of the total property loss, largely due to derailments. This loss was offset, however, by the record made by other groups of dangerous commodities. Property losses in explosives shipments fell from \$79,890, 9.5 per cent of the total in 1923, with 6 persons killed and 32 injured, to \$5,723 in 1924, 0.8 per cent of the 1923 total, with one person killed and three injured.

Investigations and tests continue with a view to finding new and improved safety valves, dome covers, and bottom-discharge outlets for tank cars, particularly those containing inflammable liquids. Service trials of several such devices were approved.

Classifications of gasoline by standardized methods for measuring vapor pressure is proceeding, and will include motor fuels produced by the blending of high gravity gasolines with heavy oils. Detention for more than 48 hours on carriers' property at destination of undelivered shipments of alcohol, an inflammable liquid, made necessary by a rule of the prohibition unit that permits shall issue for the disposition thereof, brings about violations of our regulations forbidding the storage of such shipments. The subject is being studied with a view to appropriate action.

Progress was made in the formulation of regulations for the transportation of explosives and other dangerous articles by water.

BUREAU OF SAFETY

A more detailed report of the work of the bureau of safety is published as a separate document. Except as otherwise specified the report here made is for the year ended June 30, 1925.

The casualties on steam railroads in connection with the operation of trains during the calendar year 1924 are summarized as follows:

Class of persons	Number of persons	
	Killed	Injured
Trespassers.....	2, 556	2, 853
Employees.....	1, 246	32, 401
Passengers.....	149	5, 354
Persons carried under contract, such as mail clerks, Pullman conductors, etc.....	20	557
Other nontrespassers.....	2, 244	7, 206
Total.....	6, 215	48, 371

The corresponding totals for the calendar year 1923 were 6,922 persons killed and 56,464 persons injured.

In addition, there were 402 persons killed and 95,368 injured in nontrain accidents in comparison with 463 killed and 115,248 injured in such accidents during the preceding calendar year.

There were 72 employees killed and 1,592 injured in coupling or uncoupling locomotives and cars as compared with 103 killed and 1,954 injured during 1923. Casualties to employees due to coming into contact with fixed structures resulted in 36 killed and 733 injured. There were 67 employees killed and 6,625 injured in getting on or off cars and locomotives.

During the year ended June 30, 1925, 235 cases of violation of safety appliance laws, comprising 756 counts, were transmitted to United States attorneys for prosecution; cases comprising 815 counts were confessed, and 161 dismissed, while 93 counts were tried, resulting in judgment for the Government on 29 and adversely to the Government on 10. Fifty-four counts await decision. In one count which was tried and resulted in judgment for the Government a new trial was granted. That count is still pending. Two counts which were appealed by the Government are pending in the circuit court of appeals. One count pending decision last year was decided in favor of the defendant. On June 30, 1925, there were pending in the various district courts 459 cases containing 782 counts.

In *United States v. Gulf, C. & S. F. Ry.*, 4 F. (2) 722, defendant permitted a logging train to be operated over a part of its line of railroad, a highway of interstate commerce. The train was the property of a lumber company, manned by its crew, and the movement was wholly within the State of Louisiana. In a suit under the safety appliance acts the District Court for the Western District of Louisiana held that the acts applied to all cars, locomotives, or other equipment used or permitted to be used by interstate carriers, regardless of the class of service in which the equipment was being used.

There were 33 cases of violation of hours of service laws, comprising 302 counts, transmitted to United States attorneys for prosecution; cases comprising 188 counts were confessed, 188 dismissed, and 25 tried, resulting in judgments for defendant. Motion for a new trial has been argued and is pending as to 15 counts. On June 30, 1925, there were pending in the various district courts 49 cases containing 417 counts.

The decision of the district court in *United States v. Atchison, T. & S. F. Ry. Co.*, 298 Fed. 549, reported last year, that yardmasters who used the telephone to transmit messages concerning train movements came within the purview of the hours of service laws, was affirmed by the Circuit Court of Appeals for the Seventh Circuit. 3 F. (2) 138. The Supreme Court has granted a writ of certiorari in this case.

Our investigation of power brakes and appliances for operating train-brake systems, mentioned in our annual reports for the past three years, has been continued. The American Railway Association, in cooperation with our bureau of safety, is preparing to conduct tests of new power-brake devices which are intended to conform to the conclusions stated in our report of July 18, 1924, 91 I. C. C. 481.

Approximately 1,214,000 cars and locomotives were inspected. The number of defects per 1,000 inspected was 42.46. The corresponding record for the preceding year was approximately 1,170,000 inspected, with 52.73 defects per 1,000.

Hours of service reports were filed by 1,148 railroads, of which 788 reported no instances of service of their employees in excess of the limits prescribed by law. The remaining 360 railroads reported a total of 37,497 instances of excess service as compared with 48,222 instances of excess service reported by 380 railroads for the preceding year. This represents a decrease of 5.3 per cent in the number of roads reporting excess service, and a decrease of 10,725, or 22.2 per cent, in the total number of instances of excess service reported.*

We investigated 98 train accidents, of which 55 were collisions and 43 derailments. The collisions resulted in the death of 111 and the injury of 529 persons; the derailments resulted in the death of 145 and the injury of 556 persons, a total of 256 killed and 1,085 injured.

A detailed report concerning each accident investigated is made public when completed, and summaries of these reports are published quarterly.

The investigation in respect of the formation and development of transverse fissures in steel rails, mentioned in our last annual report, has been continued. Railroads and rail manufacturers are actively cooperating with us.

In our last report we called attention to rapid increases during preceding years in the number of accidents at highway grade crossings. During the calendar year 1924 there were 5,127 accidents at highway grade crossings which resulted in the death of 2,149 persons and the injury of 6,525. Automobiles figured in 4,145 of these accidents, 1,688 persons being killed and 5,650 injured. There were 18 derailments of trains as a result of collisions between trains and automobiles, causing the death of 16 persons and the injury of 69.

In addition there were 6 derailments of trains as a result of collisions between trains and automobiles but without death or personal injury. For purposes of comparison corresponding records for the past three years are summarized as follows:

	1922			1923			1924		
	Number	Persons		Number	Persons		Number	Persons	
		Killed	Injured		Killed	Injured		Killed	Injured
Accidents at highway grade crossings.....	4,363	1,810	5,383	5,218	2,268	6,314	5,127	2,149	6,525
Accidents at highway grade crossings involving automobiles..	3,213	1,359	4,493	4,007	1,759	5,416	4,145	1,688	5,650
Derailments of trains as a result of collisions between trains and automobiles.....	9	13	105	24	19	77	24	16	69
Automobiles, registered..	12,238,375			15,092,177			17,591,981		

This shows for 1924 relatively little increase in the number of accidents at grade crossings involving automobiles, despite the fact that the number of automobiles registered was 2,499,804 more in 1924 than in 1923. In such accidents fewer persons were killed, but more were injured in 1924 than in the preceding year. The number of derailments was the same.

MEDALS OF HONOR

The act of February 23, 1905, authorizes the President to bestow bronze medals of honor upon persons who by extreme daring endanger their own lives in saving, or endeavoring to save, lives from any wreck, disaster, or grave accident, or in preventing, or endeavoring to prevent, such wreck, disaster, or grave accident upon any railroad within the United States engaged in interstate commerce. During the past fiscal year one application for award of a medal of honor as provided in this act has been filed and denied.

Since the passage of this act 38 applications for medals have been filed, 24 of which have been approved and medals awarded, and 14 denied.

BUREAU OF LOCOMOTIVE INSPECTION

During the fiscal year ended June 30, 1925, the work of this bureau, although materially extended and increased, has been substantially the same in character as that of previous years. It is shown in detail in the report of the chief inspector, published separately.

The act of June 7, 1924, further amending the locomotive inspection law, extended our jurisdiction to all locomotives and tenders, their parts and appurtenances, and provided for the appointment of not more than 15 additional inspectors. These were appointed and, for an average period of three months, were actively engaged in performance of their duties. Rules and instructions necessary to make the provisions of the amendment fully effective have been prepared by the chief inspector and are now being considered by a committee composed of the chief and assistant chief inspectors, representatives of the carriers, and representatives of the employees.

The results of the increase in our force of inspectors are reflected in the increased number of locomotives inspected which without doubt in a measure is responsible for the very gratifying decrease in the number of accidents and casualties.

The following tables covering the fiscal years indicated are self-explanatory:

TABLE I.—*Locomotive reports and inspections*

	1925	1924	1923	1922	1921
Number of locomotives for which reports are filed	70,361	70,683	70,242	70,070	70,475
Number inspected	72,279	67,507	63,657	64,354	60,812
Number found defective	32,989	36,098	41,150	30,978	30,207
Percentage inspected found defective	46	53	65	48	50
Number ordered out of service	3,637	5,764	7,075	3,089	3,914
Total number of defects found	129,239	146,121	173,840	101,734	104,848

TABLE II.—*Accidents and casualties caused by failure of some part of the locomotive, including boiler, or tender*

	1925	1924	1923	1922	1921
Number of accidents.....	690	1,005	1,348	622	735
Per cent increase or decrease from previous year.....	31.3	25.5	¹ 117	15.4	12.8
Number of persons killed.....	20	66	72	53	64
Per cent increase or decrease from previous year.....	69.7	8.3	¹ 118	48.4	3
Number of persons injured.....	764	1,157	1,560	709	800
Per cent increase or decrease from previous year.....	33.9	25	¹ 120	11.3	12.6

¹ Increase.TABLE III.—*Accidents and casualties caused by failure of some part or appurtenance of the locomotive boiler* ¹

	1925	1924	1923	1915	1912
Number of accidents.....	274	393	509	424	856
Number of persons killed.....	13	54	47	13	91
Number of persons injured.....	315	447	594	467	1,005

¹ The original act applied only to the locomotive boiler.TABLE IV.—*Derailments and casualties caused by defects in or failure of some part of the locomotive or tender*

	1925	1924	1923	1922	1921
Number of derailments ¹	22	30	38	22	8
Number of persons killed.....	0	3	4	5	0
Number of persons injured.....	52	112	157	61	30

¹ Only derailments reported by carriers as being caused by defect in or failure of parts of the locomotive or tender were investigated or counted.TABLE V.—*Number of such casualties classified according to occupation*

	1925		1924		1923		1922		1921	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Members of train crews:										
Engineers.....	8	230	19	330	19	484	11	213	15	237
Firemen.....	6	300	22	434	16	597	10	277	25	360
Brakemen.....	2	84	9	102	12	137	7	66	13	64
Conductors.....		25	2	39	1	35		25	2	20
Switchmen.....		23	1	29	2	32	1	13	3	15
Roundhouse and shop employees:										
Boiler makers.....	6	1	24	3	19	1	10	1	7	
Machinists.....	13	1	9	2	14		9	1	3	
Foremen.....		1	6	1	6		1	1	3	
Inspectors.....	2	1	3		2		2		5	
Watchmen.....	1	3	5	1	6		3		4	
Boiler washers.....	5	2	5	1	9		1		7	
Hostlers.....		16	14		31		10		8	
Other roundhouse and shop employees.....		10	6	34	4	29	1	15	1	25
Other employees.....	1	13		16	4	36	2	23	2	16
Nonemployees.....	2	34	1	107	6	123		41		21
Total.....	20	764	66	1,157	72	1,560	33	709	64	800

The percentage of locomotives found defective decreased from 53 per cent during the fiscal year 1924 to 46 per cent. The condition of motive power is reflected in the number of accidents and casualties resulting from failures of parts and appurtenances of locomotives and tenders. The decrease was 31.3 per cent in the number of accidents,

69.7 per cent in the number of persons killed, and 33.9 per cent in the number injured, as compared with the previous fiscal year.

One hundred forty-six applications were filed for extension of time for removal of flues, as provided in rule 10. Our investigation disclosed that in 14 of these cases the conditions were such that no extension could properly be granted. Fourteen were in such condition that the full extension requested could not be authorized, but an extension for a shorter period of time was allowed. Nineteen extensions were granted after defects disclosed by our investigation had been remedied. Eighteen applications were withdrawn for various reasons, and the remaining 81 were granted.

Under rule 54, 2,181 specification cards and 11,590 alteration reports were filed, checked and analyzed. These reports are necessary in order to determine whether or not the boilers represented were so constructed or repaired as to render safe and proper service, and whether the stresses were within the allowed limits. Corrective measures were taken in respect of numerous discrepancies found.

Information of violations of locomotive inspection act was lodged with the proper United States attorneys in 2 cases covering 43 counts. Two cases previously filed, covering 38 counts, were tried; judgment was had in 33 counts in favor of the Government and 5 counts against the Government. Five cases covering 27 counts were confessed and 8 counts dismissed. There are now pending in the various district courts 3 cases covering 63 counts.

No formal appeal was taken from the decision of any inspector.

RAILWAY MAIL PAY

In *Railway Mail Pay*, 95 I. C. C. 493, we found the rates of mail pay received by 23 short lines in intermountain and Pacific coast States were not fair and reasonable and granted a 100 per cent increase, to be received on and after January 22, 1925. The finding of unreasonableness was made applicable to the rates in effect on and after June 30, 1921, date on which these carriers filed their application. The order, however, establishes rates only for the future. A similar finding as to the unreasonableness of the rates on and after the date of filing the application was made in *Railway Mail Pay*, 95 I. C. C. 204, with respect to the New England carriers, but the order entered applies only for the future. Upon petition of the Postmaster General for reconsideration of the findings as to past services, and upon petitions of the carriers in each case for the entry of orders in addition to the findings establishing the increased rates as of the date of filing the applications, the two cases were reopened for further argument. This argument has been had and the matter is awaiting decision.

On July 24, 1925, upon the application of numerous carriers, the *Railway Mail Pay* case, as a whole, was reopened for reexamination. The Post Office Department and the carriers are now engaged in

obtaining data as to space and costs preparatory to presenting the matter to us at hearings which will be held some time in the future.

The matter of the rates of mail pay for urban and interurban electric railway common carriers, which we stated in our last report was submitted, has been decided. *Electric Railway Mail Pay*, 98 I. C. C. 737. We found upon reexamination of the facts and circumstances surrounding the transportation of mail by such lines that the present rates of pay for the transportation of mail in passenger cars and in baggage or express cars were fair and reasonable, but that the rates for the transportation of mail in independent or storage cars and in railway post-office cars and apartments were not fair and reasonable. The rate for independent car service was established at 50 cents per car-mile for cars 36 feet in length, with a prorate for cars of greater or less length. The old rate for a 36-foot car was 42 cents per car-mile. The rate for railway post-office cars and apartments was increased from $1\frac{1}{4}$ cents per linear foot per mile for the first 20 feet of car length and $\frac{3}{4}$ cent per mile for each additional foot to 2 cents and $\frac{7}{8}$ cent, respectively.

BOARDS OF REFEREES

These boards, created to hear and determine cases brought under the provisions of sections 3 and 6 of the Federal control act, have been constituted from our official force.

All pending proceedings in cases brought under the provisions of section 6 of that act have been settled by negotiations between the claimants and the Director General of Railroads, as agent.

Thirty-three cases brought under the provisions of section 3 are pending. Many of these cases are being held in abeyance pending review by the United States Supreme Court of decisions of the Court of Claims upon reports of boards of referees wherein the same issues of law were involved. Two reports were made by boards to the President. Four boards were appointed.

RECOMMENDATIONS

For the reasons stated in this report and in former reports we recommend:

1. That section 1 of the interstate commerce act be amended to provide for the punishment of any person offering or giving to an employee of a carrier subject to the act any money or thing of value with intent to influence his action or decision with respect to car service, and to provide also for the punishment of the guilty employee.

2. That subject to appropriate exceptions the use of steel or steel underframe cars in passenger-train service be required, and that the use in passenger trains of wooden cars between or in front of steel or steel underframe cars be prohibited.

3. That the hours of service act of March 4, 1907 (34 Stat. 1415; 8 Comp. Stat. 1916, p. 9448), be so amended as to require all service of employees subject to the act to be construed as continuous service,

except that if an employee is given a release from duty for a definite period of not less than three hours, and under such circumstances that the employee has proper facilities and opportunities for securing rest during such relief period, such relief period can be used to break the continuity of the service and the service ceases to be continuous and becomes aggregate service.

4. That section 20a of the interstate commerce act be amended to include within its provisions electric railway companies engaged in the general transportation of freight.

5. That paragraphs (2) to (6), inclusive, of section 5 of the interstate commerce act be amended: (a) by omitting therefrom the existing requirement that we adopt and publish a complete plan of consolidation; (b) by making unlawful any consolidation or acquisition of the control of one carrier by another in any manner whatsoever, except with our specific approval and authorization; (c) by giving us broad powers upon application and after hearing to approve or disapprove such consolidations, acquisitions of control, mergers, or unifications in any appropriate manner; (d) by giving us specific authority to disapprove a consolidation or acquisition upon the ground that it does not include a carrier or all or any part of its property which ought to be included in the public interest and which it is possible to include upon reasonable terms; (e) by modifying subparagraph (b) of paragraph (6) so that the value of the properties proposed to be consolidated can be more expeditiously determined; and (f) by providing that in the hearing and determination of applications under section 5 the results of our investigation in the proceeding on our docket known as No. 12964, *Consolidation of Railroads*, may be utilized in so far as deemed by us advisable.

6. That section 25 of the interstate commerce act be amended by making it unnecessary for common carriers by water in foreign commerce to file, and for us to publish, the information referred to in paragraph (1) of the section.

7. That section 26 of the interstate commerce act be amended by making it the duty of every common carrier designated in that section to furnish all reasonable facilities to the engineers or other employees of the commission for inspection, at any stage, of installations of the safety devices provided for by that section, and for that purpose to furnish such employees, when properly identified, with transportation upon the locomotives or freight trains of the carrier at such reasonable compensation as may be fixed from time to time by the commission.

8. That section 19 of the merchant marine act, 1920, be amended so that its provisions will clearly not be applicable to the Interstate Commerce Commission, that section 27 of this act be reconsidered by the Congress in the light of this report, and that section 28 of this act be reconsidered by the Congress in the light of the circumstances set forth in the chapter on the effect of this statute appearing

at pages 13 and 14 of our thirty-fifth annual report to the Congress. In this connection reference is made to our report dated June 29, 1922, to the chairman of the Committee on Interstate and Foreign Commerce on H. R. 12021, Sixty-seventh Congress, second session.

9. That Senate Resolution 438, passed February 26, 1923, be rescinded.

10. That section 204 of the transportation act, 1920, be so amended as to provide that no carrier shall be entitled to the benefits of that section unless claim therefor shall have been filed by the carrier with the commission within a reasonable time, say six months, after approval of the amendment.

STATEMENT OF APPROPRIATIONS AND EXPENDITURES FOR THE FISCAL YEAR ENDED JUNE 30, 1925

An act making appropriations for the executive, etc., approved June 7, 1924:

For salaries of commissioners-----	\$132,000.00	
For salary of secretary-----	7,500.00	
		\$139,500.00

For all other authorized expenditures necessary in the execution of laws to regulate commerce, including one chief counsel, one director of finance, and one director of traffic, at \$10,000 each per annum:

General-----	2,148,000.00	
An act making additional appropriations, approved Dec. 6, 1924-----	760.00	
		2,148,760.00

To enable the Interstate Commerce Commission to enforce compliance with section 20 and other sections of the act to regulate commerce as amended by the act approved June 29, 1906, and as amended by the transportation act, 1920, including the employment of necessary special accounting agents or examiners:

Accounts-----	537,524.00	
An act making additional appropriations, approved Dec. 6, 1924-----	15,760.00	
		553,284.00

To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads; the act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test block-signal and train-control systems and appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906, and the provision of the sundry civil act approved May 27, 1908, including the employment of inspectors:

Safety-----	375,000.00	
Deficiency act approved Jan. 20, 1925-----	27,275.00	
		402,275.00

For all authorized expenditures under the provisions of the act of Feb. 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," and amendment of Mar. 4, 1915, extending "the same powers and duties with respect to all parts and appurtenances of the locomotive and tender," including such stenographic and clerical help to the chief inspector and his two assistants as the Interstate Commerce Commission may deem necessary:

Locomotive inspection	\$300, 000. 00	
Deficiency act approved Jan. 20, 1925	54, 145. 00	
		\$354, 145. 00

To enable the Interstate Commerce Commission to carry out the objects of the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved Feb. 4, 1887, and all acts amendatory thereof," by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities, approved Mar. 1, 1913, including one director of valuation, one supervisor of land appraisals, one supervising engineer, and one supervisor of accounts, at \$9,000 each per annum:

Valuation	647, 260. 00	
An act making additional appropriations approved Dec. 6, 1924	3, 060. 00	
Deficiency act approved Dec. 5, 1924	350, 000. 00	
An act making appropriations for the executive, etc., approved Mar. 3, 1925, making \$200,000 immediately available, of which there was spent	64, 334. 57	
		1, 064, 654. 57

For all printing and binding, including not to exceed \$10,000 to print and furnish to the States at cost report-form blanks:

Printing and binding	125, 000. 00	
Deficiency act approved Jan. 20, 1925	20, 000. 00	
		145, 000. 00
Total		4, 807, 618. 57

Amounts expended under appropriations for the fiscal year ended June 30, 1925:

As salaries to commissioners and secretary ..	135, 166. 67	
General	2, 140, 637. 21	
Accounts	549, 130. 71	
Safety	398, 932. 95	
Locomotive inspection	353, 667. 04	
Valuation	1, 064, 654. 57	
Printing and binding	144, 250. 45	
Total		4, 786, 439. 60

Unexpended balance of appropriations:

As salaries to commissioners and secretary --	\$4, 333. 33	
General-----	8, 122. 79	
Accounts-----	4, 153. 29	
Safety-----	3, 342. 05	
Locomotive inspection-----	477. 96	
Valuation-----		
Printing and binding-----	749. 55	
		\$21, 178. 97
Total-----		4, 807, 618. 57

CLYDE B. AITCHISON, *Chairman*.

CHARLES C. McCHORD.

BALTHASAR H. MEYER.

HENRY C. HALL.

JOSEPH B. EASTMAN.

JOHN J. ESCH.

JOHNSTON B. CAMPBELL.

ERNEST I. LEWIS.

FREDERICK I. COX.

FRANK McMANAMY.

THOMAS F. WOODLOCK.

APPENDIX A

INDICTMENTS RETURNED, INFORMATIONS AND COMPLAINTS FILED, AND CASES CONCLUDED

Summary of indictments returned and informations and complaints filed between November 1, 1924, and October 31, 1925, inclusive, for violations of the interstate commerce, Elkins, and bills of lading acts.

Summary of cases arising from violations of the above acts concluded between November 1, 1924, and October 31, 1925, inclusive, and sentences imposed.

SUMMARY OF INDICTMENTS RETURNED AND INFORMATIONS AND COMPLAINTS FILED BETWEEN NOVEMBER 1, 1924, AND OCTOBER 31, 1925, INCLUSIVE.

United States *v.* William Addiss, District Court, Southern New York, May 4, 1925, indictment charging false billing; 2 counts.

United States *v.* Alaska Anthracite Railroad Co., District Court, Southern New York, October 9, 1925, indictment charging issuing bonds unlawfully; 5 counts.

United States *v.* Atchison, Topeka & Santa Fe Railway Co., District Court, Northern Illinois, July 21, 1925, complaint charging failing to comply with Commission's order; 1 count.

United States *v.* Charles W. Bartels, District Court, Eastern Wisconsin, February 25, 1925, indictment charging conspiring to use pass unlawfully; 1 count.

United States *v.* Foster Bowen and Mrs. Elva Adkins, District Court, Southern West Virginia, March 4, 1925, indictment charging conspiring to use passes unlawfully; 1 count.

United States *v.* Brunswick-Balke-Collender Co., District Court, Eastern Tennessee, June 25, 1925, indictment charging false billing; 20 counts.

United States *v.* Buffalo Elevating Co. and Western Elevating Association, Inc., District Court, Western New York, May 8, 1925, indictment charging granting concessions; 5 counts.

United States *v.* Cannelton Sewer Pipe Co., District Court, Indiana, May 22, 1925, indictment charging false billing; 10 counts.

United States *v.* Chicago, Burlington & Quincy Railroad Co., District Court, Northern Illinois, July 21, 1925, complaint charging failing to comply with Commission's order; 1 count.

United States *v.* Chicago, Rock Island & Pacific Railway Co., District Court, Northern Illinois, July 21, 1925, complaint charging failing to comply with Commission's order; 1 count.

United States *v.* Cleveland, Cincinnati, Chicago & St. Louis Railway Co. and Illinois Central Railroad Co., District Court, Eastern Illinois, July 14, 1925, information charging receiving greater compensation for a shorter than for a longer distance over the same route; 5 counts.

United States *v.* Vernon Cole, District Court, Maryland, June 23, 1925, information charging using pass unlawfully; 1 count.

United States *v.* Colorado and Southern Railway Co., District Court, Colorado, September 22, 1925, complaint charging failing to comply with Commission's order; 1 count.

United States *v.* Charles D. Davis, District Court, Southern New York, October 9, 1925, indictment charging concurring in unlawful issue of bonds; 5 counts.

United States *v.* Great Eastern Elevator Corporation and Western Elevating Association, Inc., District Court, Western New York, May 8, 1925, indictment charging granting concessions and rebates; 5 counts.

United States *v.* Freeman F. Hinek, District Court, Eastern New York, December 23, 1924, indictment charging falsifying records; 1 count.

United States *v.* William Jachens, District Court, Southern New York, May 4, 1925, indictment charging false billing; 2 counts.

United States *v.* Thomas E. Jackson, District Court, Wyoming, August 15, 1925, information charging using pass unlawfully; 2 counts.

United States *v.* Kansas City Southern Railway Co., District Court, District of Columbia, June 26, 1925, indictment charging failing to file notice of issuance of note; 1 count.

United States *v.* Spencer Kellogg & Sons, Inc., District Court, Western New York, May 8, 1925, indictment charging granting concessions and rebates; 12 counts.

United States *v.* L. Booth Larsen, District Court, Eastern Washington, May 19, 1925, indictment charging false billing; 5 counts.

United States *v.* Ted J. Layman and Orville Felix, District Court, Southern West Virginia, March 4, 1925, indictment charging conspiring to use pass unlawfully; 1 count.

United States *v.* Jesse R. Livermore, District Court, Wyoming, August 15, 1925, information charging using pass unlawfully; 1 count.

United States *v.* G. W. Lowstuter and Mrs. F. Reich, District Court, Western Pennsylvania, August 25, 1925, information charging using pass unlawfully; 3 counts.

United States *v.* Victor C. McClary, Andrew Dykstra, Fred Dunaway, Henry Johnson, and John Bernard, District Court, Northern Illinois, January 29, 1925, indictment charging conspiring to collect less than published fares; 2 counts.

United States *v.* E. C. McCleary and Edith Rose, District Court, Western Pennsylvania, February 24, 1925, information charging using pass unlawfully; 3 counts.

United States *v.* Fannie McKee and William Taylor, District Court, Northern Texas, November 29, 1924, information charging using pass unlawfully; 1 count.

United States *v.* Marsh Stencil Machine Co., District Court, Eastern Illinois, March 5, 1925, indictment charging false billing; 10 counts.

United States *v.* Bartus E. Miller, District Court, Middle Pennsylvania, December 2, 1924, indictment charging using pass unlawfully; 1 count.

United States *v.* Missouri Pacific Railway Co., District Court, Eastern Missouri, July 20, 1925, complaint charging failing to comply with Commission's order; 1 count.

United States *v.* Theodore Mitchell, District Court, Montana, July 17, 1925, indictment charging using pass unlawfully; 1 count.

United States *v.* Northern Pacific Railway Co., District Court, Eastern Washington, April 9, 1925, indictment charging granting concessions and discriminations; 30 counts.

United States *v.* John H. O'Toole, District Court, Eastern Illinois, September 10, 1925, information charging using pass unlawfully; 1 count.

United States *v.* Sherman Parker and Julius Skinner, District Court, Northern Texas, February 3, 1925, information charging using pass unlawfully; 1 count.

United States *v.* Pennsylvania Railroad Co., District Court, Western New York, November 6, 1924, indictment charging extending credit unlawfully; 10 counts.

United States *v.* Reading Company, District Court, Eastern Pennsylvania, May 27, 1925, indictment charging extending credit unlawfully; 15 counts.

United States *v.* Oscar J. Riley and Catherine L. Parker, District Court, Maryland, March 2, 1925, information charging using pass unlawfully; 1 count.

United States *v.* Stanley Robinson, District Court, Western Virginia, November 24, 1924, indictment charging using pass unlawfully; 1 count.

United States *v.* William Rollins and A. S. Hall, District Court, Wyoming, April 21, 1925, indictment charging using pass unlawfully; 1 count.

United States *v.* Frank Ropinske and Paul J. Haas, District Court, Northern Illinois, October 2, 1925, information charging using pass unlawfully; 1 count.

United States *v.* St. Louis-San Francisco Railroad Co., District Court, Eastern Missouri, July 20, 1925, complaint charging failing to comply with Commission's order; 1 count.

United States *v.* Lewis E. Sands, Allen B. Briggs, and Grace K. Gerks, District Court, Western New York, February 4, 1925, indictment charging forging and uttering, with intent to defraud, false bills of lading; 40 counts.

United States *v.* Lewis E. Sands, Allen B. Briggs, and Grace K. Gerks, District Court, Western New York, February 4, 1925, indictment charging conspiring to forge and utter, with intent to defraud, false bills of lading; 20 counts.

United States *v.* Sollie Schoenfeldt, District Court, Utah, October 17, 1925, indictment charging false billing.

United States *v.* John Shippe, District Court, Northern Illinois, October 2, 1925, information charging using pass unlawfully; 1 count.

United States *v.* Skaneateles Railroad Co., District Court, Northern New York, November 6, 1924, complaint charging failing to file annual report; 1 count.

United States *v.* Julius Skinner, District Court, Southern California, August 12, 1925, information charging using pass unlawfully; 1 count.

United States *v.* R. T. Smith, District Court, Western Virginia, November 24, 1924, indictment charging using pass unlawfully; 1 count.

United States *v.* Union Pacific Railroad Co., District Court, Nebraska, July 15, 1925, complaint charging failing to comply with Commission's order; 1 count.

United States *v.* Universal Carloading and Distributing Co., District Court, Southern New York, May 4, 1925, indictment charging false billing; 10 counts.

United States *v.* C. C. Whitnack Produce Co. and C. C. Whitnack, District Court, Nebraska, May 22, 1925, indictment charging false billing; 5 counts.

United States *v.* George V. Whittle, District Court, Southern New York, October 9, 1925, indictment charging concurring in unlawful issue of bonds; 2 counts.

United States *v.* George W. Wolfe and Mrs. John Wolfe, District Court, Western Pennsylvania, March 2, 1925, information charging using pass unlawfully; 3 counts.

SUMMARY OF CASES CONCLUDED IN UNITED STATES DISTRICT COURTS BETWEEN NOVEMBER 1, 1924, AND OCTOBER 31, 1925, INCLUSIVE

United States v. William Addiss, District Court, Southern New York, indictment charging false billing. June 30, 1925, nolle prosequi entered. Indictment returned May 4, 1925.

United States v. Atchison, Topeka & Santa Fe Railway Co., District Court, Northern Illinois, complaint charging failing to comply with Commission's order. July 21, 1925, confession of judgment entered and penalty of \$10,000 imposed. Complaint filed July 21, 1925.

United States v. Atchison, Topeka & Santa Fe Railway Co., District Court, Eastern Oklahoma, indictment charging suffering and permitting false billing. June 29, 1925, nolle prosequi entered. Indictment returned November 22, 1919.

United States v. Foster Bowen and Mrs. Elva Adkins, District Court, Southern West Virginia, indictment charging conspiring to use pass unlawfully. September 17, 1925, pleas of guilty entered and sentence to serve 18 months in penitentiary imposed upon Bowen and to serve 6 months in jail imposed upon Mrs. Adkins. Indictment returned March 4, 1925.

United States v. E. Luther Burke, District Court, Eastern Illinois, indictment charging falsifying records. December 9, 1924, verdict of not guilty entered. Indictment returned September 4, 1924.

United States v. W. M. Cady Lumber Co. and William M. Cady, District Court, Western Louisiana, indictment charging receiving discriminations. May 29, 1925, plea of guilty entered on behalf of corporation and fine of \$1,000 imposed. Nolle prosequi entered as to individual. Indictment returned June 10, 1924.

United States v. Cannelton Sewer Pipe Co., District Court, Indiana, indictment charging false billing. June 6, 1925, plea of guilty entered and fine of \$300 imposed. Indictment returned May 22, 1925.

United States v. Chicago, Burlington & Quincy Railroad Co., District Court, Northern Illinois, complaint charging failing to comply with Commission's order. July 21, 1925, confession of judgment entered and penalty of \$10,000 imposed. Complaint filed July 21, 1925.

United States v. Chicago, Rock Island & Pacific Railway Co., District Court, Northern Illinois, complaint charging failing to comply with Commission's order. July 21, 1925, confession of judgment entered and penalty of \$10,000 imposed. Complaint filed July 21, 1925.

United States v. Cleveland & Morgantown Coal Co., District Court, Northern West Virginia, indictment charging receiving concessions. April 10, 1925, plea of guilty entered and fine of \$6,000 imposed. Indictment returned May 31, 1924.

United States v. Vernon Cole, District Court, Maryland, information charging using pass unlawfully. June 24, 1925, plea of guilty entered and fine of \$100 imposed. Information filed June 23, 1925.

United States v. Colorado and Southern Railway Co., District Court, Colorado, complaint charging failing to comply with Commission's order. September 24, 1925, confession of judgment entered and penalty of \$5,000 imposed. Complaint filed September 22, 1925.

United States v. Luigi Dellaira, District Court, Northern California, indictment charging forging and uttering, with intent to defraud, false bills of lading. April 22, 1925, verdict of guilty entered and sentence to serve 15 years in penitentiary and pay fine of \$25,000 imposed. Indictment returned July 9, 1920.

United States v. Luigi Dellaira, District Court, Northern California, indictment charging forging and uttering, with intent to defraud, false bills of lading. April 15, 1925, nolle prosequi entered. Indictment returned March 30, 1920.

United States v. A. E. Dodd, District Court, Wyoming, indictment charging using pass unlawfully. May 11, 1925, nolle prosequi entered. Indictment returned May 11, 1922.

United States *v.* James J. Dougherty, District Court, Western Pennsylvania, indictment charging falsifying records. October 23, 1925, plea of nolo contendere entered and fine of \$2,000 imposed. Indictment returned May 24, 1924.

United States *v.* James J. Dougherty and William H. Towzey, District Court, Western Pennsylvania, indictment charging falsifying records. October 23, 1925, plea of nolo contendere entered on behalf of Towzey and sentence suspended. Nolle prosequi entered as to Dougherty. Indictment returned May 24, 1924.

United States *v.* Charles B. Ellis, District Court, Eastern Oklahoma, indictment charging accepting concessions and discriminations. June 27, 1925, nolle prosequi entered. Indictment returned November 22, 1919.

United States *v.* Martin E. Estes, District Court, Northern Illinois, indictment charging collecting less than published fares. June 30, 1925, plea of guilty entered and fine of \$100 imposed. Indictment returned April 4, 1924.

United States *v.* Martin E. Estes, District Court, Northern Illinois, indictment charging collecting less than published fares. June 30, 1925, nolle prosequi entered. Indictment returned July 27, 1923.

United States *v.* Martin E. Estes, Walton E. Fife, Clifford L. Kinnett, Burl Victor Reitzel, and Carl E. Wall, District Court, Northern Illinois, indictment charging conspiring to collect less than published fares. June 30, 1925, nolle prosequi entered. Indictment returned July 27, 1923.

United States *v.* Walton E. Fife, District Court, Northern Illinois, indictment charging collecting less than published fares. June 30, 1925, plea of guilty entered and fine of \$100 imposed. Indictment returned April 4, 1924.

United States *v.* Walton E. Fife, District Court, Northern Illinois, indictment charging collecting less than published fares. June 30, 1925, nolle prosequi entered. Indictment returned July 27, 1923.

United States *v.* Glenmora & Western Railway Co. and William M. Cady, District Court, Western Louisiana, indictment charging granting discriminations. May 29, 1925, plea of guilty entered on behalf of corporation and fine of \$2,000 imposed. Nolle prosequi entered as to individual. Indictment returned June 10, 1924.

United States *v.* Gypsy Oil Co., District Court, Eastern Oklahoma, indictment charging false billing. June 29, 1925, nolle prosequi entered. Indictment returned November 22, 1919.

United States *v.* William Jachens, District Court, Southern New York, indictment charging false billing. June 30, 1925, nolle prosequi entered. Indictment returned May 4, 1925.

United States *v.* Thomas E. Jackson, District Court, Wyoming, information charging using pass unlawfully. August 24, 1925, plea of guilty entered and fine of \$100 imposed. Information filed August 15, 1925.

United States *v.* Clifford L. Kinnett, District Court, Northern Illinois, indictment charging collecting less than published fares. June 30, 1925, plea of guilty entered and fine of \$200 imposed. Indictment returned April 4, 1924.

United States *v.* Clifford L. Kinnett, District Court, Northern Illinois, indictment charging collecting less than published fares. June 30, 1925, nolle prosequi entered. Indictment returned July 27, 1923.

United States *v.* Ted J. Layman and Orville Felix, District Court, Southern West Virginia, indictment charging conspiring to use pass unlawfully. March 5, 1925, pleas of guilty entered and fine of \$25 imposed upon each defendant. Indictment returned March 4, 1925.

United States *v.* Jesse R. Livermore, District Court, Wyoming, information charging using pass unlawfully. August 24, 1925, plea of guilty entered and fine of \$200 imposed. Information filed August 15, 1925.

United States *v.* G. W. Lowstuter and Mrs. F. Reich, District Court, Western Pennsylvania, information charging using pass unlawfully. August 25, 1925, pleas of guilty entered and fine of \$100 imposed upon each defendant. Information filed August 25, 1925.

United States *v.* Victor C. McClary, Andrew Dykstra, Fred Dunaway, Henry Johnson, and John Bernard, District Court, Northern Illinois, indictment charging using pass unlawfully and conspiring to use pass unlawfully. February 9, 1925, pleas of guilty entered on behalf of Dykstra and Johnson. March 19, 1925, pleas of guilty entered on behalf of McClary and Dunaway, and nolle prosequi entered as to Bernard. Fines of \$200 upon McClary, and of \$100 upon Dykstra, Dunaway, and Johnson, imposed. Indictment returned January 29, 1925.

United States *v.* E. C. McCleary and Edith Rose, District Court, Western Pennsylvania, information charging using pass unlawfully. March 2, 1925, pleas of guilty entered and fine of \$100 imposed upon each defendant. Information filed February 24, 1925.

United States *v.* Fannie McKee and William Taylor, District Court, Northern Texas, information charging using pass unlawfully. November 29, 1924, plea of guilty entered on behalf of McKee and fine of \$100 imposed. January 14, 1925, plea of guilty entered on behalf of Taylor and fine of \$25 imposed. Information filed November 29, 1924.

United States *v.* Marsh Stencil Machine Co., District Court, Eastern Illinois, indictment charging false billing. May 22, 1925, verdict of guilty entered and fine of \$1,000 imposed to apply in this case and next succeeding case. Indictment returned September 11, 1923.

United States *v.* Marsh Stencil Machine Co., District Court, Eastern Illinois, indictment charging false billing. May 22, 1925, verdict of guilty entered and fine of \$1,000 imposed to apply in this case and next preceding case. Indictment returned March 5, 1925.

United States *v.* Michigan Central Railroad Co., District Court, Eastern Michigan, complaint charging violation of Commission's service order No. 23. December 31, 1924, confession of judgment entered and penalty of \$4,500 imposed. Complaint filed January 12, 1924.

United States *v.* Midland Valley Railway Co., Kansas City Southern Railway Co., and Texarkana & Ft. Smith Railway Co., District Court, Eastern Oklahoma, indictment charging granting concessions. June 29, 1925, nolle prosequi entered. Indictment returned November 22, 1919.

United States *v.* Bartus E. Miller, District Court, Middle Pennsylvania, indictment charging using pass unlawfully. December 2, 1924, plea of guilty entered and fine of \$75 imposed. Indictment returned December 2, 1924.

United States *v.* Theodore Mitchell, District Court, Montana, indictment charging using pass unlawfully. September 25, 1925, plea of guilty entered and fine of \$200 imposed. Indictment returned July 17, 1925.

United States *v.* New York Central Railroad Co., District Court, Southern New York, complaint charging violations of Commission's service order No. 25. October 8, 1925, confession of judgment entered and penalty of \$7,500 imposed to apply in this case and next succeeding case. Complaint filed February 19, 1924.

United States *v.* New York Central Railroad Co., District Court, Southern New York, complaint charging violations of Commission's service order No. 25. October 8, 1925, confession of judgment entered and penalty of \$7,500 imposed to apply in this case and next preceding case. Complaint filed May 7, 1924.

United States *v.* Northwestern Pacific Railway Co., District Court, Northern California, indictment charging destroying records. June 25, 1925, nolle prosequi entered. Indictment returned May 7, 1918.

United States *v.* John H. O'Toole, District Court, Eastern Illinois, information charging using pass unlawfully. September 14, 1925, plea of guilty entered and fine of \$100 imposed. Information filed September 10, 1925.

United States *v.* Sherman Parker and Julius Skinner, District Court, Northern Texas, information charging using pass unlawfully. February 3, 1925, plea of guilty entered on behalf of Parker and fine of \$100 imposed. Information filed February 3, 1925.

United States *v.* Pennsylvania Railroad Co., District Court, Eastern Pennsylvania, complaint charging violations of Commission's service order No. 25. July 7, 1925, confession of judgment entered and penalty of \$1,000 imposed. Complaint filed August 25, 1923.

United States *v.* Pennsylvania Railroad Co., District Court, Western New York, indictment charging extending credit unlawfully. November 14, 1924, plea of guilty entered and fine of \$4,500 imposed. Indictment returned November 6, 1924.

United States *v.* Samuel Pursglove, District Court, Northern West Virginia, indictment charging granting concessions. April 10, 1925, plea of guilty entered and fine of \$6,000 imposed. Indictment returned May 31, 1924.

United States *v.* Oscar J. Riley and Catherine L. Parker, District Court, Maryland, information charging using pass unlawfully. March 6, 1925, pleas of guilty entered and fine of \$100 imposed upon each defendant. Information filed March 2, 1925.

United States *v.* Burl Victor Reitzel, District Court, Northern Illinois, indictment charging collecting less than published fares. June 30, 1925, plea of guilty entered and fine of \$100 imposed. Indictment returned April 4, 1924.

United States v. Burl Victor Reitzel, District Court, Northern Illinois, indictment charging collecting less than published fares. June 30, 1925, nolle prosequi entered. Indictment returned July 27, 1923.

United States v. Stanley Robinson, District Court, Western Virginia, indictment charging using pass unlawfully. December 7, 1924, plea of guilty entered and fine of \$125 imposed. Indictment returned November 24, 1924.

United States v. William Rollins and A. S. Hall, District Court, Wyoming, indictment charging using pass unlawfully. April 28, 1925, plea of guilty entered on behalf of Rollins and fine of \$100 imposed. May 13, 1925, plea of guilty entered on behalf of Hall and fine of \$100 imposed. Indictment returned April 21, 1925.

United States v. St. Louis-San Francisco Railroad Co., District Court, Eastern Missouri, complaint charging failing to comply with Commission's order. September 26, 1925, confession of judgment entered and penalty of \$10,000 imposed. Complaint filed July 20, 1925.

United States v. St. Louis-San Francisco Railroad Co., Kansas City Southern Railway Co., and Texarkana & Ft. Smith Railway Co., District Court, Eastern Oklahoma, indictment charging granting concessions. June 29, 1925, nolle prosequi entered. Indictment returned November 22, 1919.

United States v. St. Louis-San Francisco Railroad Co., District Court, Eastern Oklahoma, indictment charging suffering and permitting false billing. June 29, 1925, nolle prosequi entered. Indictment returned November 22, 1919.

United States v. St. Louis Southwestern Railway Co. and Houston East & West Texas Railway Co., District Court, Eastern Arkansas, indictment charging receiving greater compensation for a shorter than for a longer distance over the same route. May 21, 1925, verdict of guilty entered and fine of \$500 imposed upon each defendant. Indictment returned October 24, 1924.

United States v. Julius Skinner, District Court, Southern California, information charging using pass unlawfully. August 12, 1925, plea of guilty entered and fine of \$50 imposed. Information filed August 12, 1925.

United States v. Union Pacific Railroad Co., District Court, Nebraska, complaint charging failing to comply with Commission's order. July 15, 1925, confession of judgment entered and penalty of \$10,000 imposed. Complaint filed July 15, 1925.

United States v. Universal Carloading and Distributing Co., District Court, Southern New York, indictment charging false billing. June 25, 1925, plea of guilty entered and fine of \$20,000 imposed. Indictment returned May 4, 1925.

United States v. Carl E. Wall, District Court, Northern Illinois, indictment charging collecting less than published fares. June 30, 1925, plea of guilty entered and fine of \$100 imposed. Indictment returned April 4, 1924.

United States v. Carl E. Wall, District Court, Northern Illinois, indictment charging collecting less than published fares. June 30, 1925, nolle prosequi entered. Indictment returned July 27, 1923.

United States v. George W. Wolfe and Mrs. John Wolfe, District Court, Western Pennsylvania, information charging using pass unlawfully. March 7, 1925, pleas of guilty entered and fine of \$100 imposed upon each defendant. Information filed March 2, 1925.

APPENDIX B

SUMMARIES SHOWING ACTION TAKEN SINCE THE
PERIOD COVERED BY THE LAST ANNUAL REPORT
WITH RESPECT TO CASES INVOLVING ORDERS OR
REQUIREMENTS OF THE COMMISSION AND STATUS
ON OCTOBER 31, 1925, OF CASES PENDING IN THE
COURTS

CASES DECIDED BY THE COURTS SINCE OCTOBER 31, 1924

SUPREME COURT OF THE UNITED STATES

The United States and Interstate Commerce Commission, appellants, v. The Pennsylvania Railroad Co., appellee.

Suit in equity to set aside the order of the commission requiring the removal of the undue prejudice found to be caused by the practice of the Pennsylvania Railroad and the Western Maryland Railway in extending, each to the other, the use of their tracks to effect terminal receipt and delivery of carload freight on their lines at industries within a limited zone in York, Pa., while denying such use to industries in York on said lines outside the zone. 73 I. C. C. 40.

On March 8, 1923, the injunction asked for was issued, and on November 17, 1924, the decree of the lower court was reversed and the order of the commission sustained.

The United States of America, Interstate Commerce Commission, and Pennsylvania-Ohio Power & Light Co., appellants, v. The Village of Hubbard, Ohio, appellee.

Suit in equity to set aside an order of the commission requiring increases in certain intrastate passenger fares in the State of Ohio. 64 I. C. C. 493.

On March 13, 1922, the injunction asked for was issued, and on January 5, 1925, the decree of the lower court was reversed and the order of the commission sustained.

The United States of America, the Steubenville, East Liverpool & Beaver Valley Traction Co., and Interstate Commerce Commission, appellants, v. The City of Wellsville, Ohio, appellee.

Suit in equity to set aside an order of the commission requiring increases in certain intrastate passenger fares in the State of Ohio. 64 I. C. C. 517.

On March 13, 1922, the injunction asked for was issued, and on January 5, 1925, the decree of the lower court was reversed and the order of the commission sustained.

The Delaware & Hudson Co. et al., appellants, v. United States of America and Interstate Commerce Commission, appellees.

Suit in equity to annul and set aside the commission's order of March 28, 1923, in Valuation Docket No. 328, declaring tentative valuations of the properties of the Delaware & Hudson and other carriers included in the Delaware & Hudson System, and to prevent the entry of any order declaring a final valuation based on the tentative valuation.

On July 16, 1923, the injunction asked for was denied, and on January 5, 1925, the decree of the lower court was affirmed and the order of the commission sustained.

United States of America, at the relation of the Kansas City Southern Railway Co., et al., petitioners, v. Interstate Commerce Commission, respondent.

Petition for writ of mandamus to compel the commission to fix an exchange value of the properties contained in the Kansas City Southern System and to otherwise change its final report in the *Kansas City Southern Valuation Case*. 75 I. C. C. 223 and 84 I. C. C. 113.

On October 21, 1924, the commission's motion to dismiss was granted by the Supreme Court of the District of Columbia, and on June 1, 1925, the judgment of the lower court was affirmed by the Court of Appeals of the District of Columbia. On August 14, 1925, the case was docketed in the Supreme Court on motion for writ of certiorari, and on October 19, 1925, the writ was denied.

DISTRICT COURTS OF THE UNITED STATES

Western Paper Makers' Chemical Co. and Tanglefoot Co., plaintiffs, v. United States of America and Interstate Commerce Commission, defendants. Western District of Michigan, Southern Division.

Suit in equity to enjoin and set aside the commission's orders of March 5, 1924, and June 18, 1924, in the *Naval Stores case*, I. & S. No. 1900, in so far as they relate to rates on rosin from points south of the Ohio River to Kalamazoo and Grand Rapids, Mich. 87 I. C. C. 740 and 89 I. C. C. 634.

On October 28, 1924, the injunction asked for was denied, and on March 14, 1925, the case was appealed to the Supreme Court.

The Atchison, Topeka and Santa Fe Railway Co. et al., plaintiffs, v. United States of America and American Railway Express Company, defendants, and Interstate Commerce Commission, intervening defendant. District of Minnesota, Third Division.

Suit in equity to set aside the commission's order of May 17, 1924, in Docket No. 13930, in so far as it requires reductions in class express rates in Zones 2, 3, 4, and 5. 83 I. C. C. 606 and 89 I. C. C. 297.

On December 1, 1924, the petition was filed, and on January 26, 1925, the injunction asked for was denied.

Home Furniture Co., plaintiff, v. The United States of America, Interstate Commerce Commission, et al., defendants. Western District of Texas.

Suit in equity to set aside the commission's order of September 30, 1924, in Finance Docket No. 4164, authorizing the Southern Pacific to obtain control of the El Paso and Southwestern System by purchase of stock and bonds and through leases. 90 I. C. C. 732.

On January 10, 1925, the petition was dismissed for lack of jurisdiction, and on March 21, 1925, the case was appealed to the Supreme Court of the United States.

The Delaware & Hudson Co., petitioner, v. The United States, respondent, and Interstate Commerce Commission, intervening respondent. Southern District of New York.

Suit in equity to annul and set aside the commission's orders of June 13, 1922, December 26, 1922, and July 18, 1924, in Docket No. 13413, *In the Matter of Automatic Train-Control Devices.* 69 I. C. C. 258 and 91 I. C. C. 426.

On December 30, 1924, the petition was filed, and on May 26, 1925, the court granted an injunction against making effective date of amended order less than two years from date of amendment, but otherwise upheld the validity of the commission's order.

Jefferson Island Salt Mining Co., Myles Salt Co., plaintiffs, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Northern District of Ohio.

Suit in equity to set aside the commission's orders of October 14, 1924, in Dockets Nos. 14106, 14025, and 14157, in so far as they prescribe minimum rates on salt, in carloads, from Louisiana salt mines to Chicago, St. Louis, Cincinnati, Louisville, and Indianapolis, and from New York, Michigan, and Kansas mines to the same points. 92 I. C. C. 388.

On April 16, 1925, the petition was filed, and on May 19, 1925, the injunction asked for was denied and the bill dismissed.

The New York Central Railroad Co., petitioner, v. The United States of America, respondent, and Interstate Commerce Commission, intervening respondent. Northern District of New York.

Suit in equity to set aside the commission's order of December 9, 1924, in Docket No. 14777, requiring the New York Central to operate at Buffalo tracks connecting its main line with the Erie Basin Barge-Canal. 95 I. C. C. 119.

On April 23, 1925, the petition was filed, and on August 31, 1925, the injunction asked for was granted.

The Virginian Railway Co., complainant, v. The United States of America, The Interstate Commerce Commission, and The Chesapeake and Ohio Railway Co., defendants. Southern District of West Virginia.

Suit in equity to set aside the commission's order of March 10, 1925, as amended by its order of May 19, 1925, in Dockets Nos. 14454 and 13832, requiring the establishment of reasonable and nonprejudicial rates on coal, in carloads, from mines on the Virginian Railway in the New River district of West Virginia to interstate destinations in C. F. A. territory. 96 I. C. C. 359 and 98 I. C. C. 488.

On May 15, 1925, the bill of complaint was filed, and on September 19, 1925, the injunction asked for was denied and the bill dismissed.

The Chicago, Rock Island and Pacific Railway Co., and St. Louis-San Francisco Railway Co., plaintiffs, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Northern District of Texas, Fort Worth Division.

Suit in equity to set aside the commission's order of March 9, 1925, as modified March 28 and April 29, 1925, in Docket No. 13418, requiring the establishment of joint rail-and-water and rail-water-and-rail rates on cotton from points in Oklahoma, via Galveston, Texas, to points in New England territory. 87 I. C. C. 392 and 93 I. C. C. 268.

On May 24, 1925, the bill of complaint was filed, and on June 9, 1925, the bill was dismissed. On July 30, 1925, the case was appealed to the Supreme Court of the United States.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

United States of America, at the relation of the Kansas City Southern Railway Co. et al., appellants, v. Interstate Commerce Commission, appellee.

Petition for writ of mandamus to compel the commission to fix an exchange value of the properties contained in the Kansas City Southern System and to otherwise change its final report in the *Kansas City Southern Valuation case*. 75 I. C. C. 223 and 84 I. C. C. 113.

On October 21, 1924, the Commission's motion to dismiss was granted by the Supreme Court of the District of Columbia, and on June 1, 1925, the judgment of the lower court was affirmed by the Court of Appeals. On August 14, 1925, the case was docketed in the Supreme Court of the United States on motion for writ of certiorari.

SUPREME COURT OF THE DISTRICT OF COLUMBIA

The United States of America, ex rel. Abilene and Southern Railway Co., petitioner, v. Interstate Commerce Commission, respondent.

Petition for writ of mandamus to compel the commission to ascertain the amount of the carrier's deficit for the first six months of 1918, and to certify to the Secretary of the Treasury that the amount is payable to the carrier under Section 204 of the Transportation Act, 1920. 72 I. C. C. 333 and 79 I. C. C. 547.

On January 13, 1925, the petition was dismissed, and on May 1, 1925, the case was appealed to the Court of Appeals of the District of Columbia.

United States, ex rel. Cripple Creek and Colorado Springs Railroad Co., a Corporation, plaintiff, v. Interstate Commerce Commission, defendant.

Petition for writ of mandamus to compel the Commission to ascertain the amount of the carrier's deficit from June 30, 1918, to July 14, 1919, inclusive, and to certify to the Secretary of the Treasury that the amount is payable to the carrier under Section 204 of the Transportation Act, 1920. 82 I. C. C. 129 and 90 I. C. C. 271.

On March 30, 1925, the petition was dismissed, and on July 20, 1925, the case was appealed to the Court of Appeals of the District of Columbia.

Donner Steel Co., Inc., petitioner, v. The Interstate Commerce Commission, respondent.

A proceeding at law requesting the issuance of a writ of certiorari requiring the commission to certify to the court the record and proceedings in a case wherein the commission dismissed the claim of the company for reparation against certain carriers, and also requesting the court to review the record and proceedings and to take such further action as to the court may seem just and proper. 57 I. C. C. 745 and 92 I. C. C. 595.

On December 22, 1924, the petition was filed, and on February 6, 1925, the commission's motion to dismiss was granted. On March 14, 1925, the case was appealed to the Court of Appeals of the District of Columbia.

CASE DISMISSED ON MOTION OF PETITIONERS.

SUPREME COURT OF THE UNITED STATES

The Pittsburgh & West Virginia Railway Co. and West Side Belt Railroad Co., appellants, v. Interstate Commerce Commission and Harry M. Daugherty, Attorney General of the United States, appellees.

Suit in equity to enjoin the commission and the Attorney General from enforcing penalties provided for in section 20a, and to enjoin the commission from refusing to authorize the issuance of stock and the assumption of obligations as requested by the Pittsburgh & West Virginia. 70 I. C. C. 682 and 76 I. C. C. 663.

On April 20, 1923, the motion of the commission to dismiss was granted by the Supreme Court of the District of Columbia, and on December 3, 1923, the Court of Appeals of the District of Columbia, affirmed the decree of the lower court. On December 12, 1923, the case was appealed to the Supreme Court of the United States, and on November 24, 1924, the appeal was dismissed on motion of counsel for the carriers.

CASES PENDING IN THE COURTS OCTOBER 31, 1925

SUPREME COURT OF THE UNITED STATES

Chicago, Indianapolis & Louisville Railway Co. et al., appellants, v. United States of America and Interstate Commerce Commission, appellees.

Suit in equity to annul and set aside the commission's order of April 2, 1924, in Docket No. 13205, requiring the removal of unjust discrimination and undue prejudice found to result from the refusal of the petitioners to switch interstate carload traffic moving over the line of the Chicago, Lake Shore & South Bend Railway Co., called the South Shore, to and from Michigan City, Ind., and from the failure and refusal of the petitioners to enter into arrangements for the performance of reciprocal switching of interstate carload traffic in connection with the South Shore at Michigan City, while contemporaneously participating in such arrangements with each other at that point. 88 I. C. C. 525.

On July 8, 1924, the interlocutory injunction asked for was denied and on August 1, 1924, the case was appealed to the Supreme Court.

The State of Colorado, appellant, v. United States of America, Interstate Commerce Commission, et al., appellees.

Suit in equity to enjoin and set aside the commission's certificate and order of February 11, 1924, in Finance Docket No. 1572, in so far as it authorizes abandonment in intrastate commerce of a line of railroad of the Colorado & Southern Railway Co. 86 I. C. C. 393.

On August 19, 1924, the preliminary and permanent injunctions asked for and motion for stay of commission's order pending appeal were denied and petition dismissed, and on November 4, 1924, the case was appealed to the Supreme Court.

Western Paper Makers' Chemical Co. and Tanglefoot Co., appellants, v. United States of America and Interstate Commerce Commission, appellees.

Suit in equity to enjoin and set aside the commission's orders of March 5, 1924, and June 18, 1924, in the *Naval Stores case*, I. & S. No. 1900, in so far as they relate to rates on rosin from points south of the Ohio River to Kalamazoo and Grand Rapids, Mich. 87 I. C. C. 740 and 89 I. C. C. 634.

On October 28, 1924, the injunction asked for was denied and on March 14, 1925, the case was appealed to the Supreme Court.

Home Furniture Co., appellant, v. The United States of America, Interstate Commerce Commission, et al., appellees.

Suit in equity to set aside the commission's order of September 30, 1924, in Finance Docket No. 4164, authorizing the Southern Pacific to obtain control of the El Paso and Southwestern System by purchase of stock and bonds and through leases. 90 I. C. C. 732.

On January 10, 1925, the petition was dismissed for lack of jurisdiction, and on March 21, 1925, the case was appealed to the Supreme Court.

The Chicago, Rock Island and Pacific Railway Co. and St. Louis-San Francisco Railway Co., appellants, v. United States of America and Interstate Commerce Commission, appellees.

Suit in equity to set aside the commission's order of March 9, 1925, as modified March 28 and April 29, 1925, in Docket No. 13418, requiring the establishment of joint rail-and-water and rail-water-and-rail rates on cotton from points in Oklahoma, via Galveston, Texas, to points in New England territory. 87 I. C. C. 392 and 93 I. C. C. 268.

On May 24, 1925, the bill of complaint was filed, and on June 9, 1925, the bill was dismissed. On July 30, 1925, the case was appealed to the Supreme Court.

DISTRICT COURTS OF THE UNITED STATES

Eastern Texas Railroad Co. et al., plaintiffs, v. Railroad Commission of Texas, et al., defendants. Western District of Texas.

Suit in equity to enjoin prosecution by Railroad Commission of Texas and others of suits based upon charging by carriers of rates published in compliance with an order entered by the Interstate Commerce Commission in the *Shreveport case*. United States and Interstate Commerce Commission made parties to suit by amended answer in the nature of a cross bill filed by Railroad Commission of Texas. 41 I. C. C. 83.

Application of the Texas commission for an injunction against order of Interstate Commerce Commission denied; application of carriers for injunction to restrain Texas commission from interfering with carriers' compliance with order of Interstate Commerce Commission granted.

State of Nebraska, plaintiff, v. United States of America, Walker D. Hines, Director General of Railroads of the United States, et al., defendants, and the Interstate Commerce Commission, intervening defendant. Western District of Missouri.

Suit in equity to set aside an order of the commission, in the case of *South St. Joseph Live Stock Exchange v. Chicago, Burlington & Quincy Railroad Co., and the Director General of Railroads*, and the case of *Kansas City Live Stock Exchange v. the same defendants*, requiring the removal of a discrimination which resulted from the granting of free return transportation to caretakers accompanying intrastate shipments of livestock from points on the Chicago, Burlington & Quincy Railroad in Nebraska to Omaha, Nebr., while refusing to grant such transportation in connection with interstate shipments of live stock from the same points of origin to St. Joseph and Kansas City, Mo. 53 I. C. C. 114.

On October 24, 1919, the commission filed its answer and motion to dismiss.

Frank W. Shealy et al., as Railroad Commissioners of South Carolina, petitioners, v. The United States of America, Atlantic Coast Line Railroad Co. et al., defendants, and Interstate Commerce Commission, intervening defendant. Eastern District of South Carolina.

Suit in equity to set aside an order of the commission requiring increases in certain intrastate rates, fares, and charges in the State of South Carolina, 60 I. C. C. 290.

On March 16, 1921, the injunction asked for was denied.

Pending further action.

The State of Iowa et al., plaintiffs, v. The United States, Interstate Commerce Commission et al., defendants. Southern District of Iowa, Central Division.

Suit in equity to set aside an order of the commission in Docket No. 11761, requiring increases in certain intrastate fares and charges in the State of Iowa. 60 I. C. C. 55.

Pending hearing.

Pittsburgh & Shawmut Coal Co., Title Guarantee & Trust Co., and J. J. Jermyn, complainants, v. The Delaware & Northern Railroad Co., defendant. Northern District of New York.

Petition and order to show cause why the receivers of the property of the Delaware & Northern should not be permitted to abandon the operation of the property of that company for common carrier purposes, and to sell the property and distribute the proceeds of the sale to creditors and stockholders.

On May 17, 1923, the application was denied.

Pending further action.

Birmingham Southern Railroad Co., petitioner, v. The United States of America, Interstate Commerce Commission, et al., defendants. Northern District of Alabama, Southern Division.

Suit in equity to set aside an order of the commission requiring certain carriers, on or before July 14, 1921, to establish rules for the adjustment of charges for the use and detention of cars which shall conform with those found reasonable by the commission. 61 I. C. C. 551.

On July 13, 1921, the injunction asked for was denied.

Pending final hearing.

The State of North Dakota ex rel. William Lemke, Attorney General, plaintiff, v. United States of America, Interstate Commerce Commission, Chicago & North Western Railway Co., et al., defendants. District of North Dakota, Southeastern Division.

Suit in equity to set aside an order of the commission in Ex Parte 74, in so far as it relates to surcharges upon passengers riding in Pullman and in parlor cars in interstate commerce in North Dakota. 58 I. C. C. 220.

Pending hearing.

The Baltimore & Ohio Railroad Co. et al., plaintiffs, v. United States of America, The New York Central Railroad Co. et al., defendants, and Interstate Commerce Commission, intervening defendant. Northern District of Illinois, Eastern Division.

Suit in equity to set aside an order of the commission granting permission to the New York Central Railroad Co. to purchase the stock of Chicago River & Indiana Railroad Co., and granting to the latter permission to lease the properties of the Chicago Junction Railway Co. 71 I. C. C. 631.

On June 27, 1923, the injunction asked for was denied, motions of certain defendants to dismiss sustained, and bill dismissed. On March 3, 1924, the decree of the lower court was reversed in so far as it sustained the motions to dismiss, and on April 8, 1924, the case was remanded to the lower court for further proceedings. 264 U. S. 258.

Los Angeles & Salt Lake Railroad Co., petitioner, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Southern District of California, Southern Division.

Suit in equity to set aside an order of the commission, dated June 7, 1923, in Valuation Docket No. 26, *San Pedro, Los Angeles & Salt Lake Railroad Co.* 75 I. C. C. 463.

On December 27, 1923, the petition was filed, and on January 5-6, 1925, the case was argued and submitted for decision.

Laclede-Christy Clay Products Co. et al., plaintiffs, v. The United States of America et al., defendants, and Interstate Commerce Commission, intervening defendant. Northern District of Illinois, Eastern Division.

Suit in equity to set aside commission's order of February 5, 1924, in Docket No. 14249, requiring the removal of undue prejudice found to exist between rates on brick to Chicago and points taking Chicago rates from Ottawa, Ill., on the one hand, and rates to the same destination from the St. Louis district, on the other hand. 87 I. C. C. 523.

On May 16, 1924, the restraining order and temporary injunction asked for were denied.

Pending final decree.

State of Texas v. United States and New Orleans, Texas & Mexico Railway Co. Eastern District of Louisiana.

Suit in equity to annul and set aside the commission's order of June 12, 1924, in Finance Docket No. 3478; conditionally authorizing the New Orleans, Texas & Mexico Railway Co. to acquire control of the International-Great Northern Railroad Co. by purchase of its capital stock. 90 I. C. C. 262.

On June 19, 1924, the petition was filed.

Pending hearing.

The Delaware and Hudson Co., petitioner, v. The United States, respondent, and Interstate Commerce Commission, intervening respondent. Southern District of New York.

Suit in equity to annul and set aside the commission's orders of June 13, 1922, December 26, 1922, and July 18, 1924, in Docket No. 13413, *In the Matter of Automatic Train-Control Devices.* 69 I. C. C. 258 and 91 I. C. C. 426.

On December 30, 1924, the petition was filed, and on May 26, 1925, the court granted an injunction against making effective date of amended order less than two years from date of amendment, but otherwise upheld the validity of the order.

The Kansas City Southern Railway Co., plaintiff, v. The United States, defendant, and Interstate Commerce Commission, intervening defendant. Western District of Missouri, Western Division.

Suit in equity to annul and set aside the commission's orders of June 13, 1922, December 26, 1922, and July 18, 1924, in Docket No. 13413, *In the Matter of Automatic Train-Control Devices.* 69 I. C. C. 258 and 91 I. C. C. 426.

On December 31, 1924, the petition was filed.

Pending hearing.

Bethlehem Steel Co., Bethlehem Mines Corporation and Bethlehem Steel Corporation, petitioners, and Illinois Steel Co., et al., The Steel Co. of Canada, Ltd., et al., and The Youngstown Sheet and Tube Co., intervening petitioners, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Eastern District of Pennsylvania.

Suit in equity to set aside the commission's orders of June 13, 1923, and December 23, 1924, in Docket No. 12530, relating to the distribution of assigned cars among coal mines. 80 I. C. C. 520 and 93 I. C. C. 701.

On February 27, 1925, the petition was filed, and on May 25-29, 1925, the case was argued and submitted for decision.

Ford Motor Co., a Delaware Corporation, and Fordson Coal Co., a Delaware Corporation, plaintiffs, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Eastern District of Kentucky.

Suit in equity to set aside the commission's orders of June 13, 1923, and December 23, 1924, in Docket No. 12530, relating to the distribution of assigned cars among coal mines. 80 I. C. C. 520 and 93 I. C. C. 701.

On February 26, 1925, the petition was filed, and on June 6, 1925, the case was argued and submitted for decision.

Berwind-White Coal Mining Co., Westmoreland Coal Co., New River & Pocahontas Consolidated Coal Co., and Pennsylvania Coal & Coke Corporation, complainants, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Eastern District of Pennsylvania.

Suit in equity to set aside the commission's orders of June 13, 1923, and December 23, 1924, in Docket No. 12530, relating to the distribution of assigned cars among coal mines. 80 I. C. C. 520 and 93 I. C. C. 701.

On February 27, 1925, the bill of complaint was filed, and on May 25-29, 1925, the case was argued and submitted for decision.

Rainey-Wood Coke Co., Seaboard By-Product Coke Co., Chicago By-Product Coke Co., and Donner-Hanna Coke Corporation, complainants, v. United States of America and Interstate Commerce Commission, defendants. Eastern District of Pennsylvania.

Suit in equity to set aside the commission's orders of June 13, 1923, and December 23, 1924, in Docket No. 12530, relating to the distribution of assigned cars among coal mines. 80 I. C. C. 520 and 93 I. C. C. 701.

On February 28, 1925, the bill of complaint was filed, and on May 25-29, 1925, the case was argued and submitted for decision.

Akron, Canton & Youngstown Railway, et al., plaintiffs, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Eastern District of Pennsylvania.

Suit in equity to set aside the commission's orders of June 13, 1923, and December 23, 1924, in Docket No. 12530, relating to the distribution of assigned cars among coal mines. 80 I. C. C. 520 and 93 I. C. C. 701.

On March 12, 1925, the bill of complaint was filed, and on May 25-29, 1925, the case was argued and submitted for decision.

Public Service Electric and Gas Co., plaintiff, v. The United States of America and Interstate Commerce Commission, defendants. Eastern District of Pennsylvania.

Suit in equity to set aside the commission's orders of June 13, 1923, and December 23, 1924, in Docket No. 12530, relating to the distribution of assigned cars among coal mines. 80 I. C. C. 520 and 93 I. C. C. 701.

On April 17, 1925, the bill for injunction was filed and on May 25-29, 1925, the case was argued and submitted for decision.

Jefferson Island Salt Mining Co., Myles Salt Co., plaintiffs, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Northern District of Ohio.

Suit in equity to set aside the commission's orders of October 14, 1924, in Dockets Nos. 14106, 14025 and 14157, in so far as they prescribe minimum rates on salt in carloads, from Louisiana salt mines to Chicago, St. Louis, Cincinnati, Louisville and Indianapolis, and from New York, Michigan and Kansas mines to the same points. 92 I. C. C. 388.

On April 16, 1925, the petition was filed, and on May 19, 1925, the injunction asked for was denied and the bill dismissed.

The New York Central Railroad Co., petitioner, v. The United States of America, respondent, and Interstate Commerce Commission, intervening respondent. Northern District of New York.

Suit in equity to set aside the commission's order of December 9, 1924, in Docket No. 14777, requiring the New York Central to operate at Buffalo tracks connecting its main line with the Erie Basin Barge-Canal. 95 I. C. C. 119.

On April 23, 1925, the petition was filed, and on August 31, 1925, the injunction asked for was granted.

The Virginian Railway Co., complainant, v. The United States of America, The Interstate Commerce Commission, and The Chesapeake and Ohio Railway Co., defendants. Southern District of West Virginia.

Suit in equity to set aside the commission's order of March 10, 1925, as amended by its order of May 19, 1925, in Dockets Nos. 14454 and 13832, requiring the establishment of reasonable and nonprejudicial rates on coal, in carloads, from mines on the Virginian Railway in the New River district of West Virginia to interstate destinations in C. F. A. territory. 96 I. C. C. 359 and 98 I. C. C. 488.

On May 15, 1925, the bill of complaint was filed, and on September 19, 1925, the injunction asked for was denied and the bill dismissed.

The Chicago, Rock Island and Pacific Railway Co., and St. Louis-San Francisco Railway Co., plaintiffs, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant. Eastern District of Louisiana, New Orleans Division.

Suit in equity to set aside the commission's order of June 26, 1925, in Docket No. 13736, requiring the establishment of joint rail-and-water and rail-water-and-rail rates on cotton from points in Oklahoma, via New Orleans, La., to points in New England territory. 95 I. C. C. 77.

On July 27, 1925, the bill of complaint was filed.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

The United States of America, ex rel. Abilene and Southern Railway Co., appellant, v. Interstate Commerce Commission, appellee.

Petition for writ of mandamus to compel the commission to ascertain the amount of the carrier's deficit for the first six months of 1918, and to certify to the Secretary of the Treasury that the amount is payable to the carrier under Section 204 of the Transportation Act, 1920. 72 I. C. C. 333 and 79 I. C. C. 547.

On January 13, 1925, the petition was dismissed by the Supreme Court of the District of Columbia, and on May 1, 1925, an appeal was taken to the Court of Appeals. On October 6, 1925, the case was argued and submitted for decision.

United States, ex rel. Cripple Creek and Colorado Springs Railroad Co., a Corporation, appellant, v. Interstate Commerce Commission, appellee.

Petition for writ of mandamus to compel the commission to ascertain the amount of the carrier's deficit from June 30, 1918, to July 14, 1919, inclusive, and to certify to the Secretary of the Treasury that the amount is payable to the carrier under Section 204 of the Transportation Act, 1920. 82 I. C. C. 129 and 90 I. C. C. 271.

On March 30, 1925, the petition was dismissed by the Supreme Court of the District of Columbia, and on July 20, 1925, the case was appealed to the Court of Appeals.

Donner Steel Co., Inc., appellant, v. The Interstate Commerce Commission, appellee.

A proceeding at law requesting the issuance of a writ of certiorari requiring the commission to certify to the court the record and proceedings in a case wherein the commission dismissed the claim of the company for reparation against certain carriers, and also requesting the court to review the record and proceedings and to take such further action as to the court may seem just and proper. 57 I. C. C. 745 and 92 I. C. C. 595.

On December 22, 1924, the petition was filed, and on February 6, 1925, the commission's motion to dismiss was granted by the Supreme Court of the District of Columbia. On March 14, 1925, the case was appealed to the Court of Appeals, and on October 5, 1925, it was argued and submitted for decision.

APPENDIX C

STATISTICAL SUMMARIES

- A. Statistics of Railway Development since 1908.
- B. Statistics from Monthly and other Periodical Reports of Carriers.

A. STATISTICS OF RAILWAY DEVELOPMENT

In the following tables slight adjustments have been made in some of the figures heretofore published, in order to allow as fully as possible for changes in methods of compilation. It should be observed also that the figures in this section for the last calendar year are based on special and preliminary compilations, made mostly from annual reports of railway companies, and are subject to changes necessitated by subsequent corrections in returns or otherwise.

TABLE I.—*Mileage operated and mileage owned by steam railways in the United States, not including switching and terminal companies, 1908–1924*

Year ended—	Miles of road owned in the United States ¹	Mileage operated by railways of Classes I, II, and III (including trackage rights)			
		Miles of road	Miles of second or additional main tracks	Miles of yard track and sidings	Miles of all tracks
June 30—					
1908.....	233, 468	230, 494	23, 699	79, 453	333, 646
1909.....	236, 834	235, 402	24, 573	82, 377	342, 352
1910.....	240, 293	240, 831	25, 354	85, 582	351, 767
1911.....	243, 979	246, 238	27, 612	88, 974	362, 824
1912.....	246, 777	249, 852	29, 367	92, 019	371, 238
1913.....	249, 777	253, 470	30, 827	95, 211	379, 508
1914.....	252, 105	256, 547	32, 376	98, 285	387, 208
1915.....	253, 789	257, 569	33, 662	99, 910	391, 141
1916.....	254, 251	259, 211	33, 864	101, 869	394, 944
Dec. 31—					
1916.....	254, 037	259, 705	34, 325	102, 984	397, 014
1917.....	253, 626	259, 705	35, 066	105, 582	400, 353
1918.....	253, 529	258, 507	36, 228	107, 608	402, 343
1919.....	253, 152	258, 525	36, 730	108, 637	403, 892
1920.....	252, 845	259, 941	36, 894	109, 744	406, 579
1921.....	251, 176	258, 362	37, 614	111, 555	407, 531
1922.....	250, 413	257, 425	37, 888	114, 046	409, 359
1923.....	250, 222	258, 084	38, 697	116, 212	412, 993
1924.....	250, 003	258, 444	39, 787	116, 868	415, 099

¹ Includes mileage of some small companies that do not make annual reports to the commission.

TABLE II.—*Equipment of steam railways in service at the close of each year, 1908–1924* ¹

Year ended—	Number of locomotives	Average tractive power	Number of freight cars (excluding caboose)	Average capacity	Number of passenger-train cars
June 30—		<i>Pounds</i>		<i>Tons</i>	
1908.....	57, 698	26, 356	2, 100, 784	34. 9	45, 292
1909.....	58, 219	26, 601	2, 086, 835	35. 3	45, 664
1910.....	60, 019	27, 282	2, 148, 478	35. 9	47, 179
1911.....	62, 463	28, 291	2, 208, 997	36. 9	49, 906
1912.....	63, 463	29, 049	2, 229, 163	37. 4	51, 583
1913.....	65, 597	30, 258	2, 298, 478	38. 3	52, 717
1914.....	67, 012	31, 006	2, 349, 734	39. 1	54, 492
1915.....	66, 502	31, 501	2, 341, 567	39. 7	55, 810
1916.....	65, 314	32, 380	2, 313, 378	40. 5	54, 774
Dec. 31—					
1916.....	65, 595	32, 840	2, 329, 475	40. 9	55, 193
1917.....	66, 070	33, 932	2, 379, 472	41. 5	55, 939
1918.....	67, 936	34, 995	2, 397, 943	41. 6	56, 611
1919.....	68, 977	35, 789	2, 426, 889	41. 9	56, 290
1920.....	68, 942	36, 365	2, 388, 424	42. 4	56, 102
1921.....	69, 122	36, 935	2, 378, 510	42. 5	56, 950
1922.....	68, 518	37, 441	2, 352, 483	43. 1	56, 827
1923.....	69, 414	39, 177	2, 379, 131	43. 8	57, 159
1924.....	69, 459	39, 522	2, 411, 462	44. 2	57, 456

¹ The figures relating to the number of locomotives and cars as published have been adjusted to cover all operating roads each year, but the figures showing average tractive power of locomotives and average capacity of freight cars are as published in the Statistics of Railways. The fact that the same classes of railways have not been covered each year affects these averages only slightly. Privately owned cars are not included.

TABLE III.—*Railway capital actually outstanding and net income, 1908-1924: Steam railways, excluding switching and terminal companies*

Year ended—	Total railway capital	Funded debt	Stock	Ratio of debt to capital	Net income	Ratio of net income to stock
June 30—				<i>Per cent</i>		<i>Per cent</i>
1908.....	\$16,198,731,489	\$8,897,992,216	\$7,300,739,273	54.9	\$443,986,915	6.08
1909.....	16,992,530,340	9,380,119,114	7,612,411,226	55.2	441,062,743	5.79
1910.....	17,774,426,871	9,763,696,861	8,010,730,010	54.9	583,191,124	7.28
1911.....	18,437,820,946	10,074,545,054	8,363,275,892	54.6	547,280,771	6.54
1912.....	18,989,345,476	10,436,898,200	8,552,447,276	55.0	453,125,324	5.30
1913.....	19,028,535,973	10,428,543,119	8,599,992,854	54.8	544,201,074	6.33
1914.....	19,401,083,881	10,746,868,639	8,654,215,242	55.4	395,631,642	4.57
1915.....	19,719,893,944	11,084,574,576	8,635,319,368	56.2	354,786,729	4.11
1916.....	19,681,193,092	10,938,086,453	8,743,106,639	55.6	671,398,243	7.68
Dec. 31—						
1916.....	19,630,610,082	10,875,206,565	8,755,403,517	55.4	735,341,165	8.40
1917.....	19,764,941,991	10,761,145,441	9,003,796,550	54.5	658,224,696	7.31
1918.....	19,453,272,003	10,606,556,489	8,846,716,514	54.5	442,336,131	5.00
1919.....	19,539,283,350	10,656,158,685	8,883,124,665	54.5	496,609,104	5.59
1920.....	20,098,046,374	11,254,946,156	8,843,100,218	56.0	481,950,969	5.45
1921.....	20,247,686,960	11,357,766,232	8,889,920,728	56.1	350,539,608	3.94
1922.....	20,463,595,243	11,501,958,520	8,961,686,723	56.2	434,459,186	4.85
1923.....	21,057,513,319	11,964,580,105	9,092,933,214	56.8	632,117,581	6.95
1924.....	21,744,682,277	12,438,003,582	9,306,678,695	57.2	627,271,492	6.74

TABLE IV.—*Dividends, 1908-1924: Steam railways, excluding switching and terminal companies*

Year ended—	Proportion of stock paying dividends ¹	Amount of dividends ¹	Average rate on—	
			Dividend-paying stock ¹	All stock ¹
June 30—	<i>Per cent</i>		<i>Per cent</i>	<i>Per cent</i>
1908.....	65.69	\$390,695,351	8.07	5.30
1909.....	64.01	321,071,626	6.53	4.18
1910.....	66.71	405,771,416	7.50	5.00
1911.....	67.65	460,195,376	8.03	5.42
1912.....	64.73	400,315,313	7.17	4.64
1913.....	66.14	369,077,546	6.37	4.22
1914.....	64.39	451,653,346	7.97	5.13
1915.....	60.45	328,477,938	6.29	3.80
1916.....	60.38	342,109,396	6.48	3.91
Dec. 31—				
1916.....	62.02	366,561,494	6.75	4.19
1917.....	62.32	381,851,548	6.81	4.24
1918.....	58.09	339,185,658	6.60	3.83
1919.....	59.64	335,241,935	6.33	3.77
1920.....	57.30	331,102,938	6.52	3.74
1921.....	56.92	456,482,092	9.02	5.13
1922.....	59.38	338,805,605	6.37	3.78
1923.....	62.09	411,881,766	7.30	4.53
1924.....	64.93	385,195,372	6.37	4.14

¹ Includes figures for lessors and operating railways without excluding duplications.

TABLE V.—*Reported property investment and certain income items, 1908–1924: Operating steam railways excluding switching and terminal companies*

Year ended—	Investment ¹	Invest- ment per mile of road	Net railway operating income ²	Return on invest- ment	Other income	Interest, rents, and other deduc- tions ³	Dividends declared
June 30—				<i>Per ct.</i>			
1908..	\$13, 213, 766, 540	\$61, 778. 80	\$634, 794, 284	4. 80	\$246, 419, 662	\$485, 311, 472	\$329, 062, 261
1909..	13, 609, 183, 515	61, 391. 27	710, 474, 052	5. 22	175, 706, 091	498, 016, 028	272, 043, 499
1910 ⁴ ..	14, 557, 816, 099	64, 382. 45	805, 097, 141	5. 53	222, 914, 561	511, 416, 980	351, 202, 272
1911..	15, 612, 378, 845	66, 515. 69	744, 669, 102	4. 77	276, 361, 692	529, 919, 727	403, 417, 363
1912..	16, 004, 744, 966	67, 397. 82	727, 458, 036	4. 55	221, 591, 272	549, 229, 407	347, 354, 133
1913..	16, 588, 603, 109	69, 780. 20	806, 800, 960	4. 86	243, 599, 221	564, 413, 747	327, 967, 396
1914..	17, 153, 785, 568	72, 078. 91	674, 189, 999	3. 93	246, 186, 804	576, 486, 952	380, 339, 400
1915..	17, 441, 420, 382	73, 207. 64	694, 276, 111	3. 98	189, 300, 358	575, 197, 902	264, 267, 107
1916..	17, 689, 425, 438	73, 794. 82	1, 002, 934, 791	5. 67	195, 457, 547	594, 378, 443	286, 618, 168
Dec. 31—							
1916..	17, 842, 776, 668	74, 465. 53	1, 058, 505, 501	5. 93	213, 324, 109	623, 179, 643	311, 876, 409
1917..	18, 574, 297, 873	77, 162. 81	950, 556, 850	5. 12	⁵ 233, 252, 283	⁵ 574, 290, 447	325, 600, 752
1918..	18, 984, 756, 478	78, 820. 34	646, 223, 098	3. 40	(⁶)	⁵ 667, 587, 844	279, 929, 286
1919..	19, 300, 120, 717	79, 974. 46	454, 132, 156	2. 35	(⁶)	⁵ 630, 558, 985	281, 569, 422
1920..	19, 849, 319, 946	81, 954. 15	12, 100, 759	. 06	(⁶)	⁵ 640, 515, 977	275, 348, 254
1921..	20, 329, 223, 603	84, 530. 49	601, 138, 916	2. 96	⁵ 375, 000, 544	⁵ 662, 375, 138	403, 990, 775
1922..	20, 580, 168, 269	86, 003. 64	769, 411, 093	3. 74	⁵ 265, 032, 855	⁵ 655, 646, 742	275, 721, 615
1923..	21, 372, 858, 161	89, 619. 12	974, 917, 715	4. 56	⁵ 260, 655, 476	⁵ 667, 615, 629	353, 126, 804
1924..	22, 173, 482, 789	93, 061. 56	984, 689, 681	4. 44	⁵ 272, 989, 155	684, 557, 457	326, 038, 483

¹ The figures shown include investment of leased lines. They are taken from the annual reports of carriers and do not include property investment of some proprietary companies which do not render annual reports, notably the proprietary roads in the Baltimore & Ohio system. They include some duplications in the Atchison, Topeka & Santa Fe system. If these facts were taken into account, the total shown for 1919, as compiled in a special statement, would be increased to approximately \$19,565,646,081, not including the investment of switching and terminal companies, amounting to \$502,135,624. In this column no allowance is made for cash and materials and supplies, and no deduction is made for depreciation.

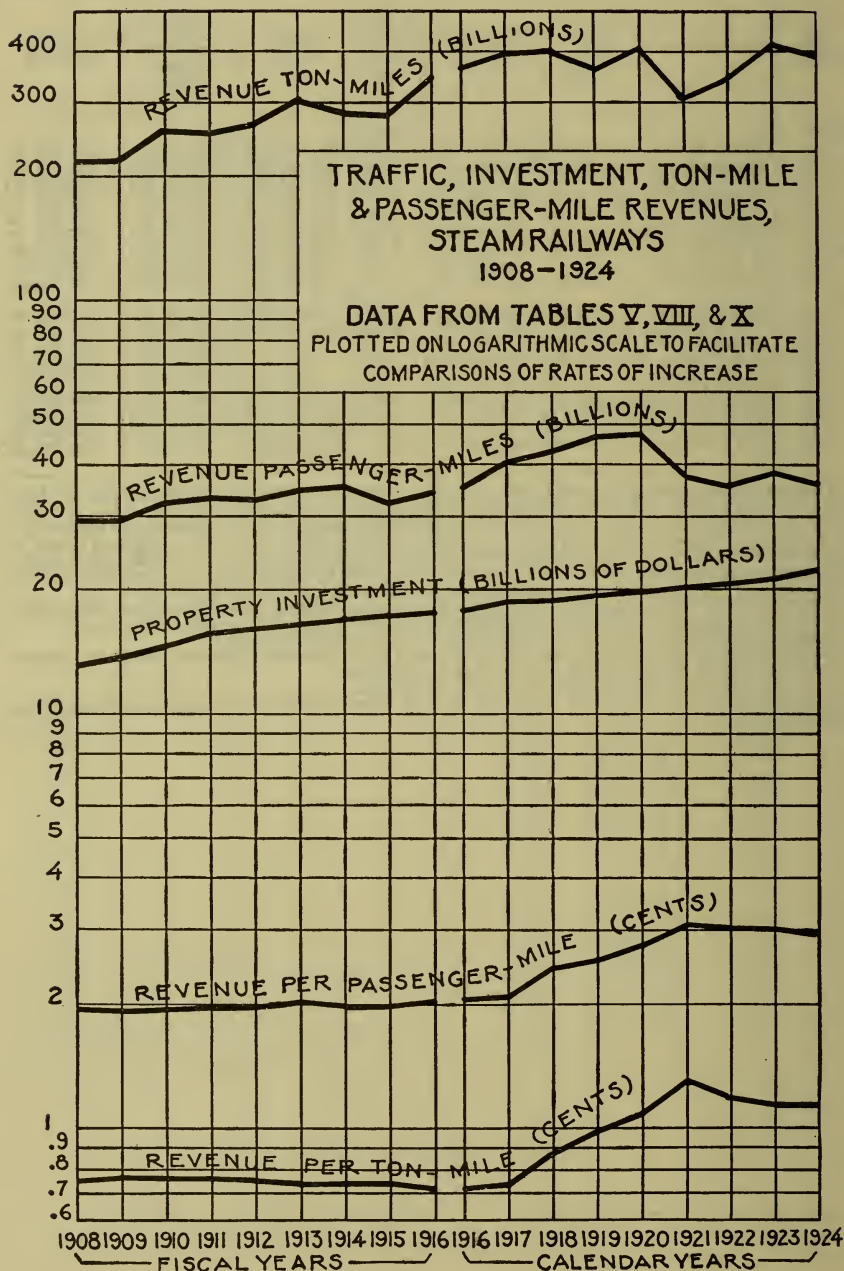
² This term as defined in the interstate commerce act means "railway operating income, including in the computation thereof debits and credits arising from equipment rents and joint facility rents."

³ These correspond approximately to what are commonly called "fixed charges."

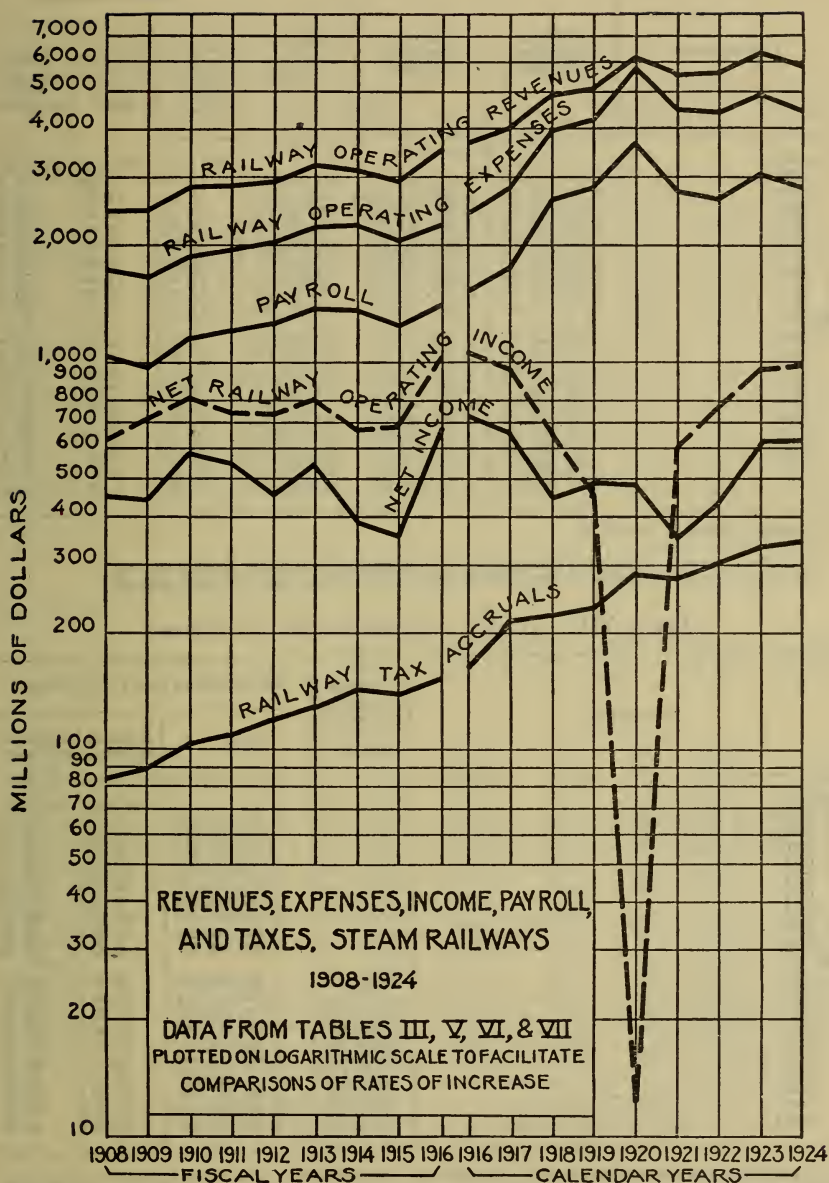
⁴ Investment for 1910 originally published is increased by \$170,000,000, estimated reserve for accrued depreciation to make totals comparable with those for other years.

⁵ Does not include returns for Class II and Class III railways.

⁶ Reported figures not comparable with those for other years on account of Federal control accounting requirements.



NOTE.—See footnotes to tables mentioned in legend where applicable.



NOTE.—In a ratio chart, such as the above diagram, like slopes of lines indicate equal, or relative, percentage changes in the items represented. This fact is suggested, for example, by a comparison of the lines in the diagram for payroll and operating expenses. See footnotes to tables mentioned in legend where applicable.

TABLE VI.—Operating revenues, operating expenses, and taxes, 1908–1924

Year ended—	Railway operating revenues	Railway operating expenses	Railway tax accruals	Ratio to revenues		
				Maintenance of way and structures	Maintenance of equipment	Total operating expenses
June 30—				<i>Per cent</i>	<i>Per cent</i>	<i>Per cent</i>
1908 ¹	\$2,440,638,832	\$1,710,401,791	\$84,599,992	13.50	15.09	70.08
1909 ¹	2,473,205,301	1,650,034,204	90,558,316	12.47	14.71	66.72
1910 ¹	2,812,141,575	1,881,879,118	103,853,576	13.10	14.69	66.92
1911 ¹	2,852,854,721	1,976,331,864	108,309,512	12.83	15.02	69.28
1912 ¹	2,906,415,869	2,035,057,529	120,091,534	12.64	15.50	70.02
1913 ¹	3,208,647,370	2,249,277,937	128,024,867	13.25	16.00	70.10
1914 ¹	3,126,520,234	2,279,408,486	141,225,691	13.55	17.09	72.91
1915 ¹	2,956,193,202	2,088,682,956	139,298,167	12.91	17.25	70.65
1916 ¹	3,472,641,941	2,277,202,278	151,599,841	12.14	16.42	65.58
Dec. 31—						
1916 ¹	3,691,065,217	2,426,250,521	163,450,852	11.90	16.50	65.73
1917 ¹	4,115,413,057	2,906,283,165	220,586,491	11.03	17.11	70.62
1917 ²	4,014,142,748	2,829,325,124	215,861,346	11.01	17.08	70.48
1918 ²	³ 4,880,202,255	⁴ 3,971,870,043	224,599,115	13.31	22.55	81.39
1919 ²	³ 5,144,466,361	⁴ 4,378,285,227	233,716,608	15.00	23.79	85.11
1920 ²	6,178,120,978	5,830,620,492	283,813,929	16.71	25.74	94.38
1921 ²	5,516,598,242	4,562,668,302	277,899,481	13.71	22.69	82.71
1922 ²	5,559,092,708	4,414,522,334	302,195,425	13.11	22.53	79.41
1923 ²	6,289,580,027	4,895,166,819	333,033,560	12.94	23.29	77.83
1924 ²	5,921,490,100	4,507,845,037	342,459,598	13.39	21.28	76.13

¹ Roads of Classes I, II, and III.² Class I railways only.³ Excludes corporate revenues of companies whose properties were under Federal control.⁴ Excludes corporate expenses of companies whose properties were under Federal control.

TABLE VII.—Number and compensation of employees

Year ended—	Average number of employees during year	Compensation paid to employees ¹		
		Total	Ratio to revenues	Ratio to expenses
June 30—			<i>Per cent</i>	<i>Per cent</i>
1908 ²		\$1,035,437,528	42.42	60.54
1909 ²		988,323,694	39.96	59.90
1910 ²		1,143,725,306	40.67	60.78
1911 ²		1,208,466,470	42.36	61.15
1912 ²		1,252,347,697	43.00	61.54
1913 ²		1,381,334,368	43.05	61.41
1914 ²		1,381,117,292	44.17	60.59
1915 ²		1,242,319,254	42.02	59.48
1916 ²		1,403,968,437	40.43	61.65
Dec. 31—				
1916 ²		1,506,960,995	40.83	62.11
1917 ²		1,783,214,071	43.33	61.36
1917 ³	1,732,876	1,739,482,142	43.33	61.48
1918 ³	⁴ 1,837,663	⁴ 2,606,284,245	53.40	65.62
1919 ³	⁴ 1,908,169	⁴ 2,823,014,440	54.97	64.59
1920 ³	2,022,832	3,681,801,193	59.59	62.15
1921 ³	1,659,513	2,765,218,079	50.13	60.61
1922 ³	1,626,834	2,640,817,005	47.50	59.82
1923 ³	1,857,674	3,004,071,882	47.76	61.37
1924 ³	1,751,324	2,826,025,230	47.72	62.69

¹ In 1921, 93.65 per cent of the reported compensation was chargeable to operating expenses. In 1922 the corresponding percentage was 93.47; in 1923, 92.72 per cent; in 1924, 92.87 per cent. What part of the totals for earlier years was so chargeable is not known. The percentages shown, however, do not lose their comparative value on this account.

² Railways of Classes I, II, and III, excluding switching and terminal companies.³ Class I railways only, excluding switching and terminal companies.⁴ Data for 1918 and 1919 do not cover employees of corporate organizations whose properties were under Federal control.

TABLE VIII.—*Transportation service performed by steam railways, 1908-1924, excluding switching and terminal companies*

Year ended—	Freight service					Passenger service		
	Tons of freight originating	Number of ton- miles of revenue freight	Number of loaded freight- car miles	Average haul		Number of pas- sengers carried	Number of pas- senger- miles	Average journey per pas- senger-
				United States as a system	For the individu- al road			
June 30—		<i>Millions</i>	<i>Millions</i>	<i>Miles</i>	<i>Miles</i>	<i>Millions</i>	<i>Millions</i>	<i>Miles</i>
1908.....	869,797,510	218,382	11,128	253.94	143.83	890	29,083	32.86
1909.....	881,334,355	218,803	11,361	251.10	141.87	891	29,109	32.85
1910.....	1,026,491,782	255,017	12,851	249.68	138.31	972	32,338	33.50
1911.....	1,003,053,893	253,784	12,859	254.10	142.88	997	33,202	33.48
1912.....	1,031,206,606	264,081	13,081	256.87	143.44	1,004	33,132	33.18
1913.....	1,132,547,672	301,730	14,292	255.15	144.40	1,044	34,673	33.31
1914.....	1,129,992,223	288,637	13,688	255.43	144.17	1,063	35,357	33.25
1915.....	1,023,802,680	277,135	13,111	270.69	151.55	986	32,475	32.95
1916.....	1,262,862,624	343,477	15,343	271.98	152.25	1,015	34,309	33.79
Dec. 31—								
1916.....	1,317,245,556	366,174	16,042	277.98	155.99	1,049	35,220	33.58
1917.....	1,382,004,576	398,263	16,088	288.18	162.33	1,110	40,100	36.13
1918.....	1,376,844,812	408,778	15,163	296.89	165.02	1,123	43,212	38.48
1919.....	1,189,765,193	367,161	14,433	308.60	168.02	1,211	46,838	38.68
1920.....	1,362,999,293	413,699	15,489	303.52	170.41	1,270	47,370	37.30
1921.....	1,017,817,596	309,533	12,591	304.11	171.12	1,061	37,706	35.53
1922.....	1,111,822,446	342,188	14,077	307.77	173.29	990	35,811	36.19
1923.....	1,387,754,966	416,256	16,532	299.94	166.29	1,009	38,294	37.97
1924.....	1,288,357,339	391,981	16,019	304.25	168.14	951	36,375	38.25

TABLE IX.—*Carload, trainload, and density of traffic, 1908-1924*

Year ended—	Tons per loaded freight car	Tons per freight train ¹	Passen- gers per car	Passen- gers per train	Ton-miles per mile of road	Passen- ger-miles per mile of road
June 30—						
1908 ²	19.62	352	16	54	974,654	130,073
1909 ²	19.26	363	15	54	953,986	127,299
1910 ²	19.84	380	16	56	1,071,086	138,169
1911 ²	19.74	383	16	55	1,053,566	139,191
1912 ²	20.18	407	15	53	1,078,580	136,699
1913 ²	21.11	445	15	55	1,245,158	143,067
1914 ²	21.09	452	15	56	1,176,923	144,278
1915 ²	21.15	474	15	53	1,121,059	131,165
1916 ²	22.40	535	15	55	1,380,349	137,818
Dec. 31—						
1916 ²	22.83	550	15	56	1,470,274	141,305
1916 ⁴	22.84	560	16	57	1,569,084	149,795
1917 ⁴	24.77	597	17	65	1,698,825	170,088
1918 ⁴	26.99	628	20	76	1,738,305	183,066
1919 ⁴	25.46	631	21	82	1,558,081	198,345
1920 ⁴	26.72	647	20	80	1,748,451	199,708
1921 ⁴	24.60	579	16	67	1,308,938	159,551
1922 ⁴	24.31	611	16	65	1,444,840	151,410
1923 ⁴	25.17	644	16	67	1,754,901	161,777
1924 ⁴	24.46	647	15	63	1,649,369	153,254

¹ Does not include nonrevenue tonnage.² Class I, Class II, and Class III railways.³ Class I and Class II railways.⁴ Class I railways only.

TABLE X.—Average receipts per ton, per ton-mile, per passenger, and per passenger-mile, 1908-1924

Year ended—	Average amount received for each ton originated	Average receipts per ton per mile	Average receipts per passenger	Average receipts per passenger-mile
June 30—		<i>Cents</i>		<i>Cents</i>
1908.....	\$1. 903	0. 754	\$0. 634	1. 937
1909.....	1. 903	. 763	. 631	1. 928
1910.....	1. 876	. 753	. 646	1. 938
1911.....	1. 920	. 757	. 658	1. 974
1912.....	1. 909	. 744	. 657	1. 987
1913.....	1. 869	1. 729	1. 672	1 2. 008
1914.....	1. 881	. 737	. 662	1. 990
1915.....	1. 991	. 735	. 656	1. 991
1916.....	1. 955	. 719	. 679	2. 010
Dec. 31—				
1916.....	1. 997	. 719	. 689	2. 051
1917.....	2. 096	. 728	. 758	2. 097
1918.....	2. 558	. 862	. 932	2. 421
1919.....	3. 047	. 987	. 985	2. 548
1920.....	3. 243	1. 069	1. 027	2. 755
1921.....	3. 934	1. 294	1. 099	3. 093
1922.....	3. 675	1. 194	1. 099	3. 037
1923.....	3. 396	1. 132	1. 149	3. 026
1924.....	3. 444	1. 132	1. 142	2. 985

¹ Class I and II railways.

TABLE XI.—Fuel consumed by locomotives, and rails and ties laid, Class I steam railways, not including switching and terminal companies

Year ended ¹ —	Bituminous coal	Anthracite coal	Fuel oil	Total fuel ²	Rails applied in replacement and betterment	Ties laid in previously constructed tracks	
						Cross ties	Switching and bridge ties
Dec. 31—	<i>Net tons</i>	<i>Net tons</i>	<i>Gallons</i>	<i>Net tons</i>	<i>Long tons</i>	<i>Number</i>	<i>Feet (B. M.)</i>
1917...	133, 421, 457	5, 293, 301	1, 804, 889, 338	150, 230, 647	2, 046, 575	79, 070, 201	208, 526, 311
1918...	134 214, 480	3, 615, 697	1, 638, 956, 953	148, 122, 435	1, 883, 393	76, 139, 310	222, 927, 474
1919...	119, 692, 067	2, 981, 959	1, 586, 061, 174	132, 620, 935	2, 335, 300	80, 903, 216	248, 440, 195
1920...	135, 413, 695	3, 860, 970	1, 929, 670, 624	151, 405, 712	2, 506, 961	86, 829, 307	246, 195, 929
1921...	107, 910, 146	2, 643, 724	1, 661, 443, 618	121, 006, 242	2, 588, 313	86, 521, 566	256, 287, 730
1922...	113, 163, 083	2, 472, 652	1, 828, 125, 050	127, 213, 343	2, 618, 556	86, 641, 834	258, 186, 478
1923...	131, 491, 561	2, 614, 576	2, 334, 365, 782	148, 921, 714	3, 138, 972	84, 434, 985	277, 615, 107
1924...	117, 247, 005	2, 678, 601	2, 475, 896, 579	135, 617, 320	3, 183, 514	83, 096, 896	291, 310, 795

¹ Data not compiled prior to 1917.² In the statement of consumption of fuel by locomotives, 1 cord of hardwood is considered as equivalent to two-thirds of a ton of fuel; and 1 cord of softwood as equivalent to one-half of a ton of fuel. The ratio used in reducing fuel oil to tons of fuel is left to the experience of each road. Figures include data for cordwood; also a small amount of miscellaneous fuel.

TABLE XII.—Selected data from annual reports of Class I steam railways

District and year	Operating revenues	Operating expenses				Net railway operating income
		Total	Maintenance of way and structures	Maintenance of equipment	Transportation-rail line	
United States:						
June 30, 1911...	\$2,752,497,297	\$1,902,994,333	\$348,004,080	\$415,590,400	\$954,349,616	\$724,184,708
1912...	2,805,006,544	1,959,094,811	348,470,704	436,995,458	984,852,159	708,484,383
1913...	3,108,361,215	2,173,463,563	406,042,529	499,988,331	1,068,017,845	787,610,435
1914...	3,031,326,963	2,203,423,812	403,682,593	520,200,274	1,073,981,380	661,018,147
1915...	2,871,563,047	2,021,160,614	364,004,178	496,739,561	1,002,740,734	683,104,833
1916...	3,381,597,866	2,210,892,786	404,514,144	557,664,332	1,080,797,803	984,872,959
Dec. 31, 1916...	3,596,865,766	2,357,398,412	421,775,812	595,566,336	1,164,274,088	1,040,084,517
1917...	4,014,142,748	2,829,325,123	442,109,862	685,428,913	1,506,544,964	934,068,770
1918...	4,880,953,480	3,982,068,197	649,794,953	1,103,031,350	2,019,529,931	638,568,603
1919...	5,144,795,154	4,399,715,515	772,186,045	1,226,532,195	2,157,057,982	454,984,953
1920...	6,178,120,978	5,830,620,492	1,032,540,381	1,590,364,640	2,891,662,486	17,226,902
1921...	5,516,598,242	4,562,668,302	756,413,690	1,251,479,443	2,252,090,903	600,937,356
1922...	5,559,092,708	4,414,522,334	728,663,534	1,252,517,250	2,140,149,596	760,187,319
1923...	6,289,580,027	4,895,166,819	813,688,760	1,465,156,595	2,309,608,766	961,955,457
1924...	5,921,496,325	4,507,885,037	792,678,023	1,260,019,916	2,141,469,255	973,830,978

District and year	Freight service statistics					
	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
United States:						
June 30, 1911...	\$1,856,504,287	901,053,884	1,624,393,638	<i>Thousands</i> 249,843,166	<i>Cents</i> 0.743	1,161,164
1912...	1,897,692,838	926,465,041	1,684,994,748	259,981,628	.730	1,191,885
1913...	2,140,083,394	1,067,798,112	1,915,001,926	297,722,528	.719	1,335,410
1914...	2,059,891,935	1,023,131,101	1,843,216,056	284,924,750	.723	1,262,636
1915...	1,977,933,275	925,696,847	1,684,659,517	273,910,007	.722	1,199,093
1916...	2,402,210,995	1,151,187,321	2,093,092,757	339,873,323	.707	1,474,438
Dec. 31, 1916...	2,560,988,111	1,203,367,190	2,179,696,043	362,444,397	.707	1,569,084
1917...	2,819,965,215	1,264,015,725	2,270,035,053	394,465,400	.715	1,698,825
1918...	3,440,741,970	1,262,621,054	2,305,824,940	405,379,284	.849	1,738,305
1919...	3,543,266,303	1,095,549,999	2,043,229,775	364,293,063	.573	1,558,081
1920...	4,317,440,080	1,255,420,991	2,259,983,278	410,306,210	1.052	1,748,451
1921...	3,911,277,268	940,182,560	1,690,762,695	306,840,204	1.275	1,308,938
1922...	3,992,441,331	1,023,745,007	1,840,954,570	339,285,347	1.177	1,444,840
1923...	4,606,720,192	1,279,030,222	2,333,600,764	412,727,228	1.116	1,754,901
1924...	4,333,585,195	1,187,295,744	2,171,718,705	388,415,313	1.116	1,649,368

District and year	Operating revenues	Operating expenses				Net railway operating income
		Total	Maintenance of way and structures	Maintenance of equipment	Transportation-rail line	
Eastern district:						
June 30, 1911...	\$1,213,660,256	\$863,211,897	\$145,164,499	\$193,859,070	\$438,903,996	\$290,640,214
1912...	1,252,347,003	889,976,127	145,519,876	206,962,257	451,394,036	296,349,077
1913...	1,384,956,152	998,950,347	175,486,384	238,499,228	492,807,975	314,494,142
1914...	1,333,539,193	1,020,801,658	174,319,820	249,616,624	502,389,521	234,801,111
1915...	1,275,028,603	923,568,892	153,385,132	234,987,859	468,418,755	272,733,945
1916...	1,537,081,507	1,024,738,557	168,575,830	265,861,739	519,758,208	420,545,856
Dec. 31, 1916...	1,621,550,829	1,102,248,864	174,989,760	285,093,013	566,639,759	416,767,825
1917...	1,785,312,427	1,338,467,004	184,405,875	328,316,047	740,321,891	323,836,732
1918...	2,206,636,283	1,892,301,120	284,163,203	533,204,691	980,415,194	191,716,754
1919...	2,282,088,271	2,023,222,179	312,422,503	591,241,108	1,010,098,154	135,326,720
1920...	2,747,383,278	2,730,072,193	415,294,185	785,012,264	1,390,708,928	¹ 124,232,269
1921...	2,460,790,651	2,082,583,902	308,345,844	600,572,745	1,042,363,773	230,095,884
1922...	2,516,678,522	2,059,858,442	303,843,539	618,616,562	1,009,128,884	291,852,685
1923...	2,942,418,971	2,330,521,041	347,357,451	735,015,792	1,115,479,364	417,549,658
1924...	2,665,770,837	2,068,795,995	326,063,800	598,430,726	1,009,509,807	407,467,686

¹ Deficit.

TABLE XII.—Selected data from annual reports of Class I steam railways—Con.

District and year	Passenger service statistics						
	Passenger revenue	Number of passengers carried	Passenger-mile	Revenue per passenger-mile	Passenger-miles per mile of road	Average journey per passenger	Average number of passengers per train
United States:			<i>Thousands</i>	<i>Cents</i>		<i>Miles</i>	
June 30, 1911.....	\$636,341,495	938,655,719	32,371,445	1.96	151,123	34.49	56
1912.....	639,818,627	944,265,173	32,316,263	1.98	149,442	34.22	55
1913.....	678,966,749	983,692,468	33,875,086	2.00	152,126	34.44	56
1914.....	683,748,602	1,002,350,385	34,566,985	1.98	153,369	34.49	57
1915.....	629,237,464	936,368,539	31,789,928	1.98	139,226	33.95	54
1916.....	673,806,175	968,887,957	33,645,908	2.00	146,029	34.73	56
Dec. 31, 1916.....	706,608,630	1,005,954,777	34,585,952	2.04	149,795	34.38	57
1917.....	825,211,593	1,066,638,474	39,476,859	2.09	170,088	37.01	65
1918.....	1,031,563,016	1,084,997,896	42,676,579	2.41	183,066	39.33	76
1919.....	1,178,453,860	1,177,820,454	46,358,304	2.54	198,345	39.36	82
1920.....	1,286,613,273	1,234,862,048	46,848,668	2.75	199,708	37.94	80
1921.....	1,151,770,842	1,035,496,329	37,312,586	3.09	159,551	36.03	67
1922.....	1,074,108,060	967,409,205	35,469,962	3.03	151,410	36.66	65
1923.....	1,145,698,579	986,913,075	37,956,595	3.02	161,777	38.46	67
1924.....	1,075,039,219	932,678,462	36,090,886	2.98	153,256	38.70	63

District and year	Freight service statistics					
	Freight train-miles	Revenue tons per train	Loaded car-miles	Empty car-miles	Revenue tons per loaded car	Average haul per road
United States:			<i>Thousands</i>	<i>Thousands</i>		<i>Miles</i>
June 30, 1911.....	608,678,284	392.64	12,666,136	5,718,739	19.73	153.81
1912.....	594,658,218	417.63	12,890,515	5,655,789	20.17	154.29
1913.....	628,319,136	453.39	14,102,776	6,025,620	21.11	155.47
1914.....	590,833,907	460.40	13,507,268	6,426,178	21.09	154.58
1915.....	537,804,830	483.74	12,952,289	6,572,981	21.15	162.59
1916.....	594,124,091	545.10	15,170,608	6,839,846	22.40	162.38
Dec. 31, 1916.....	617,606,223	560.24	15,869,363	6,758,685	22.84	166.28
1917.....	631,187,856	597.29	15,923,811	6,762,209	24.77	173.77
1918.....	616,151,416	628.49	15,019,410	7,161,568	26.99	175.81
1919.....	549,657,072	630.93	14,307,036	6,532,332	25.46	178.29
1920.....	607,508,144	646.87	15,356,139	7,261,785	26.72	181.55
1921.....	510,291,696	578.71	12,474,703	7,316,080	24.60	181.48
1922.....	534,654,994	611.06	13,958,696	6,802,689	24.31	184.30
1923.....	620,329,534	643.91	16,396,070	8,532,891	25.17	176.86
1924.....	579,571,262	647.01	15,878,770	8,517,534	24.46	178.85

District and year	Passenger service statistics						
	Passenger revenue	Number of passengers carried	Passenger miles	Revenue per passenger-mile	Passenger-miles per mile of road	Average journey per passenger	Average number of passengers per train
Eastern district:			<i>Thousands</i>	<i>Cents</i>		<i>Miles</i>	
June 30, 1911.....	\$269,625,574	573,249,088	15,161,685	1.78	270,823	26.45	62
1912.....	274,724,616	583,326,936	15,401,754	1.78	277,008	26.40	63
1913.....	288,926,444	605,179,693	16,087,159	1.80	277,480	26.58	64
1914.....	293,418,549	608,647,324	16,348,655	1.79	279,975	26.86	65
1915.....	276,542,596	571,964,445	14,960,949	1.85	254,447	26.16	62
1916.....	296,064,736	592,397,103	15,628,070	1.89	265,355	26.38	64
Dec. 31, 1916.....	316,122,645	625,543,403	16,627,330	1.90	281,977	26.58	66
1917.....	357,307,045	660,780,166	18,408,280	1.94	311,836	27.86	75
1918.....	446,013,822	673,703,126	19,516,673	2.28	330,597	28.97	89
1919.....	512,372,905	731,335,826	21,471,099	2.38	362,254	29.36	93
1920.....	563,867,573	777,820,717	21,927,088	2.57	369,258	28.19	93
1921.....	537,877,927	673,170,252	18,723,437	2.87	321,342	27.81	82
1922.....	513,958,566	637,134,609	18,083,029	2.84	310,543	28.38	80
1923.....	546,821,748	655,225,051	19,221,806	2.84	329,106	29.34	83
1924.....	523,475,454	629,938,829	18,567,323	2.82	314,490	29.47	79

TABLE XII.—Selected data from annual reports of Class I steam railways—Con.

District and year	Freight service statistics					
	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
Eastern district:				<i>Thousands</i>	<i>Cents</i>	
June 30, 1911..	\$823, 077, 681	(1)	989, 772, 476	129, 096, 321	0. 638	2, 272, 565
1912..	852, 060, 603	(1)	1, 032, 434, 040	133, 425, 498	. 638	2, 326, 286
1913..	959, 046, 954	(1)	1, 171, 788, 577	152, 756, 350	. 628	2, 626, 710
1914..	905, 278, 775	502, 711, 850	1, 105, 436, 517	143, 115, 921	. 633	2, 443, 140
1915..	876, 627, 161	454, 833, 379	1, 003, 358, 320	135, 642, 899	. 646	2, 303, 011
1916..	1, 095, 655, 761	577, 310, 511	1, 262, 238, 041	169, 263, 168	. 647	2, 869, 020
Dec. 31, 1916..	1, 146, 977, 398	590, 301, 231	1, 283, 710, 688	177, 487, 341	. 646	3, 004, 747
1917..	1, 246, 849, 850	617, 844, 385	1, 302, 098, 157	187, 966, 031	. 663	3, 178, 653
1918..	1, 552, 957, 602	614, 703, 873	1, 317, 918, 088	190, 942, 938	. 813	3, 229, 876
1919..	1, 555, 729, 754	524, 148, 548	1, 156, 703, 060	170, 117, 616	. 914	2, 866, 157
1920..	1, 922, 764, 331	606, 786, 167	1, 253, 468, 027	188, 517, 900	1. 020	3, 170, 258
1921..	1, 722, 187, 847	449, 674, 156	934, 693, 849	138, 502, 605	1. 243	2, 354, 467
1922..	1, 772, 597, 986	452, 237, 737	975, 691, 067	151, 209, 900	1. 172	2, 571, 943
1923..	2, 141, 751, 647	597, 891, 855	1, 295, 112, 410	193, 987, 685	1. 104	3, 289, 637
1924..	1, 908, 378, 804	519, 595, 258	1, 146, 944, 903	170, 039, 431	1. 122	2, 880, 099

District and year	Operating revenues	Operating expenses				Net railway operating income
		Total	Maintenance of way and structures	Maintenance of equipment	Transportation-rail line	
Southern district:						
June 30, 1911..	\$408, 901, 908	\$280, 756, 740	\$54, 062, 565	\$69, 301, 714	\$133, 611, 870	\$114, 199, 452
1912..	425, 845, 379	303, 592, 880	56, 218, 738	76, 119, 886	146, 221, 249	106, 566, 938
1913..	457, 506, 184	329, 560, 462	63, 453, 879	82, 350, 338	157, 136, 115	112, 657, 603
1914..	469, 470, 064	341, 840, 064	62, 156, 224	88, 495, 869	162, 513, 910	109, 278, 435
1915..	420, 281, 653	307, 184, 073	58, 221, 440	79, 939, 649	145, 365, 865	94, 806, 327
1916..	489, 710, 775	324, 780, 730	60, 459, 359	90, 526, 721	148, 423, 205	147, 402, 968
Dec. 31, 1916..	523, 035, 795	340, 077, 502	64, 261, 937	93, 631, 184	155, 532, 291	167, 267, 028
1917..	606, 199, 654	412, 435, 394	68, 483, 509	109, 655, 609	205, 805, 801	170, 862, 303
1918..	784, 808, 766	610, 267, 232	99, 160, 843	175, 372, 440	305, 766, 271	139, 328, 194
1919..	806, 025, 508	704, 037, 651	134, 084, 717	197, 145, 971	337, 652, 879	64, 302, 833
1920..	976, 831, 242	912, 707, 181	166, 683, 197	250, 225, 301	448, 753, 361	32, 582, 163
1921..	877, 202, 297	740, 223, 950	132, 096, 185	197, 868, 408	363, 743, 974	92, 366, 577
1922..	915, 300, 678	708, 694, 116	123, 224, 838	201, 698, 927	337, 425, 418	150, 622, 446
1923..	1, 037, 777, 223	800, 620, 007	143, 534, 069	235, 727, 661	371, 647, 149	177, 341, 087
1924..	1, 024, 517, 353	767, 633, 858	146, 252, 369	218, 590, 970	352, 154, 500	194, 970, 749

District and year	Freight service statistics					
	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
Southern district:				<i>Thousands</i>	<i>Cents</i>	
June 30, 1911..	\$286, 490, 996	(1)	219, 814, 050	41, 281, 206	0. 694	1, 017, 007
1912..	298, 902, 770	(1)	228, 865, 650	43, 667, 931	. 684	1, 058, 531
1913..	323, 299, 148	(1)	248, 738, 041	47, 979, 202	. 674	1, 153, 407
1914..	330, 770, 930	174, 319, 180	256, 515, 825	49, 523, 945	. 668	1, 179, 244
1915..	302, 538, 187	154, 482, 371	231, 971, 297	47, 324, 536	. 639	1, 123, 817
1916..	361, 873, 595	187, 728, 372	282, 182, 453	58, 450, 832	. 619	1, 371, 626
Dec. 31, 1916..	383, 529, 984	196, 392, 311	298, 062, 627	61, 706, 334	. 622	1, 444, 725
1917..	434, 395, 400	211, 474, 636	326, 115, 240	68, 371, 303	. 635	1, 599, 356
1918..	544, 591, 331	216, 081, 819	341, 294, 737	72, 101, 218	. 755	1, 672, 592
1919..	558, 527, 462	194, 564, 103	306, 279, 213	64, 892, 862	. 873	1, 476, 892
1920..	700, 005, 819	224, 127, 173	348, 532, 794	76, 925, 380	. 909	1, 758, 760
1921..	644, 162, 943	177, 258, 034	266, 412, 995	69, 679, 500	1. 079	1, 361, 926
1922..	688, 326, 095	208, 588, 604	314, 370, 114	69, 564, 942	. 989	1, 589, 208
1923..	783, 287, 866	249, 638, 257	381, 375, 875	81, 705, 350	. 959	1, 862, 332
1924..	780, 744, 790	252, 887, 991	382, 711, 800	82, 350, 493	. 948	1, 880, 306

1 Not separated by districts.

TABLE XII.—Selected data from annual reports of Class I steam railways—Con.

District and year	Freight service statistics					
	Freight train-miles	Revenue tons per train	Loaded car-miles	Empty car-miles	Revenue tons per loaded car	Average haul per road
Eastern district:			<i>Thousands</i>	<i>Thousands</i>		<i>Miles</i>
June 30, 1911.....	272, 200, 400	464. 87	5, 906, 670	2, 847, 313	21. 86	130. 43
1912.....	265, 255, 675	492. 57	6, 030, 012	2, 797, 014	22. 13	129. 23
1913.....	278, 453, 083	537. 67	6, 546, 516	2, 949, 449	23. 33	130. 36
1914.....	257, 418, 781	544. 30	6, 134, 262	3, 085, 077	23. 33	129. 47
1915.....	229, 766, 592	578. 06	5, 798, 668	3, 186, 404	23. 39	135. 19
1916.....	257, 522, 644	644. 89	6, 877, 179	3, 284, 945	24. 61	134. 10
Dec. 31, 1916.....	264, 676, 081	658. 34	7, 070, 991	3, 230, 603	25. 10	138. 26
1917.....	258, 953, 016	713. 10	6, 846, 178	3, 045, 676	27. 46	144. 36
1918.....	248, 909, 032	753. 81	6, 400, 881	3, 195, 407	29. 83	144. 88
1919.....	216, 416, 492	770. 43	5, 994, 491	2, 825, 948	28. 38	147. 07
1920.....	232, 981, 766	795. 20	6, 348, 174	3, 038, 378	29. 70	150. 40
1921.....	197, 813, 624	689. 32	5, 133, 557	3, 092, 037	26. 98	148. 18
1922.....	206, 650, 647	719. 95	5, 765, 642	2, 783, 427	26. 23	154. 98
1923.....	246, 812, 187	775. 60	6, 924, 153	3, 551, 844	28. 02	149. 78
1924.....	223, 452, 378	749. 18	6, 421, 637	3, 467, 991	26. 48	148. 25

District and year	Passenger service statistics						
	Passenger revenue	Number of passengers carried	Passenger-miles	Revenue per passenger-mile	Passenger-miles per mile of road	Average journey per passenger	Average number of passengers per train
Southern district:			<i>Thousands</i>	<i>Cents</i>		<i>Miles</i>	
June 30, 1911.....	\$87, 485, 143	111, 915, 318	4, 072, 229	2. 15	100, 296	36. 39	46
1912.....	91, 280, 694	115, 024, 664	4, 221, 416	2. 16	102, 419	36. 70	46
1913.....	95, 842, 224	118, 499, 176	4, 384, 240	2. 19	105, 396	37. 00	47
1914.....	99, 254, 393	121, 873, 344	4, 585, 239	2. 17	109, 182	37. 62	47
1915.....	85, 416, 332	107, 897, 309	3, 988, 171	2. 14	94, 707	36. 96	43
1916.....	90, 992, 351	114, 764, 764	4, 115, 760	2. 21	96, 582	35. 86	44
Dec. 31, 1916.....	98, 385, 580	118, 823, 820	4, 573, 888	2. 15	107, 088	38. 49	48
1917.....	126, 924, 456	130, 951, 555	5, 776, 736	2. 20	135, 131	44. 11	60
1918.....	188, 932, 168	145, 489, 852	7, 404, 952	2. 55	171, 779	50. 90	77
1919.....	192, 624, 326	149, 077, 477	7, 099, 101	2. 71	163, 822	47. 62	73
1920.....	196, 654, 660	150, 917, 730	6, 617, 867	2. 97	151, 306	43. 85	67
1921.....	172, 109, 868	118, 983, 920	5, 085, 120	3. 39	116, 046	42. 74	54
1922.....	163, 173, 370	111, 258, 242	4, 855, 660	3. 36	110, 927	43. 64	52
1923.....	183, 751, 006	114, 929, 647	5, 449, 950	3. 37	124, 222	47. 42	56
1924.....	172, 407, 464	104, 266, 615	5, 153, 188	3. 35	117, 663	49. 42	52

District and year	Freight service statistics					
	Freight train-miles	Revenue tons per train	Loaded car-miles	Empty car-miles	Revenue tons per loaded car	Average haul per road
Southern district:			<i>Thousands</i>	<i>Thousands</i>		<i>Miles</i>
June 30, 1911.....	113, 354, 640	346. 38	2, 084, 129	979, 126	19. 81	187. 80
1912.....	113, 557, 900	367. 13	2, 150, 819	989, 427	20. 30	190. 80
1913.....	116, 599, 149	394. 48	2, 305, 030	1, 010, 480	20. 82	192. 89
1914.....	116, 699, 422	408. 24	2, 330, 028	1, 175, 302	21. 25	193. 06
1915.....	100, 624, 143	448. 50	2, 172, 440	1, 155, 945	21. 78	204. 01
1916.....	105, 627, 557	527. 62	2, 533, 467	1, 192, 331	23. 07	207. 14
Dec. 31, 1916.....	108, 372, 204	543. 84	2, 622, 821	1, 170, 957	23. 53	207. 02
1917.....	115, 675, 895	566. 21	2, 704, 594	1, 241, 017	25. 28	209. 65
1918.....	120, 761, 237	573. 71	2, 666, 948	1, 347, 911	27. 04	211. 26
1919.....	101, 359, 788	602. 41	2, 450, 584	1, 142, 124	26. 12	208. 96
1920.....	119, 489, 118	619. 71	2, 754, 569	1, 373, 045	27. 93	220. 71
1921.....	100, 975, 009	572. 34	2, 267, 572	1, 373, 697	26. 32	224. 01
1922.....	109, 808, 041	614. 89	2, 623, 057	1, 377, 284	26. 52	221. 28
1923.....	126, 516, 430	628. 85	3, 053, 375	1, 634, 422	26. 76	214. 24
1924.....	123, 623, 101	648. 02	3, 069, 640	1, 736, 884	26. 83	215. 18

TABLE XII.—Selected data from annual reports of Class I steam railways—Con.

District and year	Operating revenues	Operating expenses				Net railway operating income
		Total	Maintenance of way and structures	Maintenance of equipment	Transportation-rail line	
Western District:						
June 30, 1911	\$1, 129, 935, 133	\$759, 025, 696	\$148, 777, 016	\$152, 429, 616	\$381, 833, 750	\$319, 345, 042
1912	1, 126, 814, 162	765, 525, 804	146, 732, 090	153, 913, 315	387, 236, 874	305, 568, 368
1913	1, 265, 898, 879	844, 952, 754	167, 102, 266	179, 138, 765	418, 073, 755	360, 458, 690
1914	1, 228, 317, 706	840, 782, 090	167, 206, 549	182, 087, 781	409, 077, 949	316, 938, 601
1915	1, 176, 252, 791	790, 407, 649	152, 397, 606	181, 812, 053	388, 956, 114	315, 564, 561
1916	1, 354, 805, 584	861, 373, 499	175, 478, 955	201, 275, 872	412, 616, 390	416, 924, 135
Dec. 31, 1916	1, 452, 279, 142	915, 072, 046	182, 524, 115	216, 842, 139	442, 102, 038	456, 049, 664
1917	1, 622, 630, 667	1, 078, 422, 725	189, 220, 478	247, 457, 257	560, 417, 272	439, 369, 735
1918	1, 889, 508, 431	1, 479, 499, 845	266, 470, 907	394, 454, 219	733, 348, 466	307, 523, 655
1919	2, 056, 681, 375	1, 672, 455, 685	325, 678, 825	438, 145, 116	809, 306, 949	255, 355, 400
1920	2, 453, 906, 458	2, 187, 841, 118	450, 562, 999	555, 127, 075	1, 052, 200, 197	108, 867, 008
1921	2, 178, 605, 294	1, 739, 860, 450	315, 971, 661	453, 038, 290	845, 983, 156	278, 474, 895
1922	2, 127, 113, 508	1, 645, 969, 776	301, 595, 157	432, 201, 761	793, 595, 294	317, 712, 188
1923	2, 309, 383, 833	1, 764, 025, 771	322, 797, 240	494, 413, 142	822, 482, 253	367, 064, 712
1924	2, 231, 208, 135	1, 671, 455, 184	320, 361, 854	442, 998, 220	779, 804, 948	371, 392, 543
Freight service statistics						
District and year	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
Western district:				<i>Thousands</i>	<i>Cents</i>	
June 30, 1911	\$746, 935, 610	(¹)	414, 807, 112	79, 465, 639	0. 939	675, 601
1912	746, 729, 465	(¹)	423, 695, 058	82, 888, 199	. 900	694, 384
1913	857, 737, 292	(¹)	494, 475, 308	96, 986, 976	. 884	788, 265
1914	823, 842, 230	346, 100, 071	481, 263, 714	92, 284, 884	. 892	738, 714
1915	798, 767, 927	316, 381, 097	449, 329, 900	90, 945, 572	. 878	713, 718
1916	944, 681, 639	386, 148, 438	548, 672, 263	112, 156, 323	. 842	871, 122
Dec. 31, 1916	1, 030, 480, 729	416, 673, 648	597, 922, 728	123, 250, 722	. 836	953, 874
1917	1, 138, 719, 965	434, 696, 704	641, 821, 656	138, 128, 066	. 824	1, 059, 948
1918	1, 343, 193, 037	431, 835, 362	646, 612, 115	142, 335, 128	. 944	1, 086, 706
1919	1, 429, 009, 087	376, 837, 348	580, 247, 502	130, 175, 633	1. 098	992, 791
1920	1, 694, 669, 930	424, 507, 651	657, 982, 457	144, 862, 930	1. 170	1, 101, 909
1921	1, 544, 926, 478	313, 250, 370	489, 655, 851	108, 658, 099	1. 422	824, 580
1922	1, 531, 517, 250	362, 918, 666	550, 893, 389	118, 510, 505	1. 292	896, 042
1923	1, 681, 680, 679	431, 500, 110	657, 112, 479	137, 034, 193	1. 227	1, 035, 443
1924	1, 644, 461, 601	414, 812, 495	642, 062, 002	136, 025, 389	1. 209	1, 025, 387

¹ Not separated by districts.

TABLE XII.—Selected data from annual reports of Class I steam railways—Con.

District and year	Passenger service statistics						
	Passenger revenue	Number of passengers carried	Passenger-miles	Revenue per passenger-mile	Passenger-miles per mile of road	Average journey per passenger	Average number of passengers per train
Western district:			<i>Thousands</i>	<i>Cents</i>		<i>Miles</i>	
June 30, 1911.....	\$279, 230, 778	253, 491, 313	13, 137, 531	2. 12	111, 695	51. 82	54
1912.....	273, 813, 317	245, 913, 573	12, 693, 093	2. 15	106, 337	51. 62	51
1913.....	294, 198, 081	260, 013, 599	13, 403, 687	2. 19	108, 939	51. 55	52
1914.....	291, 075, 660	271, 829, 717	13, 633, 091	2. 13	109, 129	50. 15	52
1915.....	267, 278, 536	256, 506, 785	12, 840, 808	2. 08	100, 771	50. 06	51
1916.....	286, 749, 088	261, 726, 090	13, 902, 078	2. 06	107, 854	53. 12	53
Dec. 31, 1916.....	292, 100, 405	261, 587, 554	13, 384, 734	2. 18	103, 588	51. 17	51
1917.....	340, 980, 092	274, 906, 753	15, 291, 843	2. 23	117, 344	55. 63	58
1918.....	396, 617, 026	265, 804, 918	15, 754, 954	2. 52	120, 287	59. 27	65
1919.....	473, 456, 629	297, 407, 151	17, 788, 104	2. 66	135, 662	59. 81	74
1920.....	526, 091, 040	306, 123, 601	18, 303, 713	2. 87	139, 228	59. 79	72
1921.....	441, 783, 047	243, 342, 157	13, 504, 029	3. 27	102, 479	55. 49	57
1922.....	396, 976, 124	219, 016, 354	12, 531, 273	3. 17	94, 747	57. 22	55
1923.....	415, 125, 825	216, 758, 377	13, 284, 839	3. 13	100, 382	61. 29	56
1924.....	379, 156, 301	198, 473, 027	12, 370, 375	3. 07	93, 250	62. 33	52

District and year	Freight service statistics					
	Freight train-miles	Revenue tons per train	Loaded car-miles	Empty car-miles	Revenue tons per loaded car	Average haul per road
Western district:			<i>Thousands</i>	<i>Thousands</i>		<i>Miles</i>
June 30, 1911.....	223, 123, 244	332. 08	4, 675, 337	1, 892, 300	17. 00	191. 57
1912.....	215, 844, 643	356. 41	4, 709, 684	1, 869, 348	17. 60	195. 63
1913.....	233, 266, 904	386. 74	5, 251, 230	2, 065, 691	18. 47	196. 14
1914.....	216, 715, 704	393. 57	5, 042, 978	2, 165, 799	18. 30	191. 76
1915.....	207, 414, 095	402. 28	4, 981, 181	2, 230, 632	18. 26	202. 40
1916.....	230, 973, 890	448. 17	5, 759, 962	2, 362, 570	19. 47	204. 41
Dec. 31, 1916.....	244, 557, 938	467. 07	6, 175, 551	2, 357, 125	19. 96	206. 13
1917.....	256, 558, 945	500. 30	6, 373, 039	2, 475, 516	21. 67	215. 21
1918.....	246, 481, 147	535. 04	5, 951, 581	2, 618, 250	23. 92	220. 12
1919.....	231, 880, 792	519. 99	5, 861, 961	2, 564, 260	22. 21	224. 35
1920.....	255, 037, 260	530. 45	6, 253, 396	2, 850, 362	23. 17	220. 16
1921.....	211, 503, 063	482. 89	5, 073, 574	2, 850, 346	21. 42	221. 91
1922.....	218, 196, 306	510. 65	5, 569, 997	2, 641, 978	21. 28	215. 12
1923.....	247, 000, 917	525. 19	6, 418, 542	3, 346, 625	21. 35	208. 54
1924.....	232, 495, 783	552. 43	6, 387, 493	3, 312, 659	21. 30	211. 86

B. STATISTICS FROM MONTHLY AND OTHER PERIODICAL REPORTS OF CARRIERS

The figures in this section are derived from monthly or quarterly reports of certain classes of carriers, and yearly totals, for various reasons mostly evident from table headings and footnotes, may not be in exact agreement with totals of similar character in Section A, which come from other sources.

TABLE A.—*Railway operating revenues, railway operating expenses, and net railway operating income, 1920-1925, Class I steam railways, including switching and terminal companies*

Item	1925	1924	1923	1922	1921	1920
Miles of road operated.....	236, 644. 88	236, 190. 11	235, 825. 26	235, 591. 98	235, 234. 82	234, 708. 98

RAILWAY OPERATING REVENUES

January.....	\$484, 773, 588	\$468, 986, 207	\$502, 541, 899	\$395, 777, 433	\$470, 388, 976	¹ \$500, 839, 203
February.....	454, 996, 099	479, 453, 967	446, 948, 870	401, 576, 772	406, 495, 579	424, 591, 298
March.....	486, 484, 800	505, 371, 387	535, 826, 390	475, 246, 724	459, 048, 326	460, 187, 437
April.....	473, 496, 546	475, 232, 145	523, 303, 671	417, 140, 348	433, 398, 073	402, 281, 913
May.....	488, 683, 278	477, 528, 664	548, 112, 916	449, 442, 968	444, 859, 511	457, 559, 065
June.....	506, 808, 733	465, 669, 829	541, 328, 832	474, 034, 095	461, 585, 290	494, 713, 929
July.....	522, 426, 594	481, 826, 030	536, 307, 145	443, 840, 164	462, 939, 693	529, 149, 754
August.....	555, 366, 575	508, 505, 818	564, 528, 891	474, 087, 182	505, 732, 265	555, 522, 389
September.....	-----	540, 838, 601	546, 061, 710	500, 882, 771	498, 347, 764	618, 925, 580
October.....	-----	572, 600, 264	587, 914, 150	550, 280, 123	536, 722, 654	641, 827, 108
November.....	-----	505, 796, 495	531, 988, 659	523, 607, 879	465, 933, 394	592, 054, 192
December.....	-----	505, 522, 950	494, 614, 715	513, 564, 071	425, 275, 459	550, 580, 330
12 months.....	-----	² 5, 986, 492, 120	² 6, 360, 423, 213	² 5, 620, 401, 722	² 5, 573, 153, 133	² 6, 225, 417, 245

RAILWAY OPERATING EXPENSES

January.....	\$383, 734, 807	\$385, 092, 005	\$408, 977, 516	\$337, 632, 090	\$442, 196, 328	\$416, 418, 194
February.....	355, 554, 759	374, 916, 106	376, 006, 623	324, 571, 547	384, 645, 882	416, 458, 368
March.....	377, 265, 485	390, 601, 930	417, 926, 988	361, 163, 179	400, 111, 187	420, 450, 441
April.....	370, 623, 413	377, 826, 934	404, 148, 050	336, 425, 035	375, 696, 712	400, 419, 462
May.....	375, 755, 185	381, 485, 741	421, 389, 901	355, 508, 552	379, 865, 276	437, 829, 758
June.....	375, 935, 560	364, 228, 757	416, 748, 290	364, 278, 517	380, 856, 293	³ 480, 500, 292
July.....	382, 905, 058	370, 100, 487	414, 945, 704	341, 081, 191	362, 756, 274	³ 514, 254, 089
August.....	388, 869, 558	373, 671, 183	427, 453, 221	387, 370, 353	382, 105, 901	³ 682, 315, 188
September.....	-----	381, 623, 120	416, 665, 241	408, 912, 930	377, 767, 143	³ 509, 720, 494
October.....	-----	403, 663, 884	445, 340, 570	429, 077, 737	397, 958, 795	526, 543, 604
November.....	-----	374, 268, 131	406, 956, 602	405, 844, 514	368, 087, 471	513, 614, 308
December.....	-----	381, 415, 252	388, 154, 013	405, 033, 227	351, 450, 080	510, 769, 252
12 months.....	-----	² 4, 558, 307, 781	² 4, 945, 135, 398	² 4, 457, 622, 473	² 4, 603, 806, 907	² 5, 830, 326, 686

MAINTENANCE OF WAY AND STRUCTURES

January.....	\$56, 971, 378	\$55, 332, 831	\$52, 885, 419	\$48, 714, 722	\$60, 756, 654	\$57, 891, 205
February.....	54, 923, 944	54, 419, 439	48, 418, 007	46, 600, 099	53, 316, 603	64, 406, 909
March.....	61, 090, 232	59, 603, 843	57, 225, 907	53, 276, 591	61, 599, 020	67, 464, 136
April.....	68, 091, 818	68, 036, 804	65, 274, 165	59, 211, 633	59, 998, 686	74, 511, 616
May.....	72, 473, 731	73, 788, 172	74, 647, 956	68, 074, 408	65, 095, 833	88, 981, 644
June.....	74, 749, 192	71, 478, 577	77, 220, 208	70, 465, 977	69, 183, 317	95, 363, 554
July.....	74, 959, 550	73, 192, 532	76, 556, 558	65, 616, 403	65, 177, 102	100, 857, 228
August.....	77, 486, 514	73, 026, 188	80, 835, 583	68, 743, 033	71, 941, 028	144, 543, 602
September.....	-----	72, 829, 815	76, 687, 125	67, 717, 310	72, 748, 042	94, 571, 896
October.....	-----	75, 376, 482	81, 638, 412	68, 957, 794	72, 661, 765	90, 642, 115
November.....	-----	65, 776, 810	68, 678, 359	61, 705, 004	62, 248, 638	81, 336, 656
December.....	-----	59, 539, 936	61, 780, 042	56, 937, 745	49, 212, 451	70, 708, 969
12 months.....	-----	² 802, 322, 886	² 821, 912, 978	² 736, 181, 212	² 764, 662, 651	² 1, 030, 503, 557

¹ Includes approximately \$50,000,000 back railway-mail pay.

² Includes certain corrections not appearing in monthly figures.

³ Back pay, under decision No. 2 of the United States Railroad Labor Board, is included in the figures for 1920 to the approximate amounts here stated: For June \$25,000,000; July, \$39,000,000; August, \$79,000,000; September, \$3,000,000.

TABLE A.—*Railway operating revenues, railway operating expenses, and net railway operating income, 1920-1925, Class I steam railways, including switching and terminal companies—Continued*

MAINTENANCE OF EQUIPMENT

January.....	\$108,352,732	\$110,322,360	\$123,031,713	\$93,636,110	\$124,077,708	\$117,755,937
February.....	101,491,536	107,006,053	112,125,967	91,948,480	103,220,839	118,791,959
March.....	108,846,377	113,306,273	126,248,629	106,195,148	107,753,561	117,268,106
April.....	104,670,942	107,510,647	119,742,105	96,074,779	101,420,846	111,046,136
May.....	103,381,435	104,911,270	125,687,122	100,876,316	101,100,850	116,395,011
June.....	103,027,983	99,222,857	124,460,548	102,426,771	99,687,504	128,369,590
July.....	105,322,051	99,470,797	121,902,373	78,693,449	95,277,725	138,580,346
August.....	105,499,783	101,552,114	127,645,093	104,154,917	105,403,201	181,360,713
September.....		104,988,112	125,040,683	120,010,849	103,778,465	133,925,264
October.....		113,129,283	133,706,111	130,485,765	112,191,535	140,340,662
November.....		102,824,142	120,640,068	118,405,794	104,230,503	140,797,411
December.....		106,099,394	113,318,429	116,994,179	93,549,456	147,529,258
12 months.....		¹ 1,270,119,592	¹ 1,473,564,764	¹ 1,259,996,915	¹ 1,256,338,463	¹ 1,593,481,891

TRANSPORTATION EXPENSES

January.....	\$191,765,814	\$193,820,792	\$208,485,557	\$171,296,092	\$230,812,638	\$218,913,350
February.....	173,731,479	188,782,705	192,098,865	163,491,812	198,338,166	211,658,475
March.....	181,012,311	192,201,137	209,893,318	177,679,827	204,799,420	213,651,070
April.....	171,657,299	177,595,365	195,125,461	157,784,242	188,828,167	192,500,729
May.....	173,304,439	177,219,035	196,436,637	162,918,019	188,969,442	209,257,948
June.....	170,639,281	167,863,910	189,751,818	167,035,236	186,612,715	231,437,853
July.....	175,205,369	171,482,746	191,571,164	172,755,915	178,239,301	247,690,003
August.....	178,963,154	173,795,746	194,122,539	190,922,853	180,830,319	323,815,483
September.....		178,405,929	189,915,227	197,902,477	177,700,887	254,856,925
October.....		189,378,343	204,386,676	205,920,283	189,465,425	268,541,043
November.....		180,563,499	192,856,779	202,107,227	178,643,455	264,583,290
December.....		190,129,054	187,042,543	205,821,569	185,366,029	264,531,899
12 months.....		² 2,180,984,066	² 2,352,021,895	² 2,176,016,900	² 2,288,454,499	² 2,901,583,273

NET RAILWAY OPERATING INCOME ⁴

[Italics indicate loss]

January.....	\$65,842,002	\$51,387,222	\$61,128,977	\$29,631,626	\$1,525,630	¹ \$59,639,698
February.....	64,920,210	71,605,150	39,274,897	47,701,740	<i>5,164,971</i>	<i>16,851,801</i>
March.....	73,116,673	80,320,046	84,124,311	83,483,103	30,807,065	14,772,906
April.....	66,199,235	62,298,528	83,515,322	49,973,793	29,856,640	<i>23,743,666</i>
May.....	75,857,234	60,929,532	90,320,873	62,147,010	36,943,236	<i>5,429,769</i>
June.....	91,751,411	65,801,266	88,272,720	76,270,672	51,067,115	<i>15,240,366</i>
July.....	99,462,733	74,368,186	84,935,306	69,320,528	69,324,196	<i>12,053,290</i>
August.....	124,804,666	95,706,868	98,934,054	52,205,411	90,160,202	<i>153,682,570</i>
September.....		116,760,259	92,476,568	58,677,633	87,606,375	79,675,646
October.....		127,105,089	103,775,627	85,137,059	105,520,776	86,641,023
November.....		93,179,645	86,775,979	83,222,648	66,868,122	50,964,905
December.....		86,988,227	70,045,544	79,037,485	⁵ 49,656,627	3,302,304
12 months.....		² 987,133,417	² 983,736,225	² 776,880,593	⁶ 615,945,614	² 58,151,863

¹ Includes approximately \$50,000,000, back railway mail pay.² Includes certain corrections not appearing in monthly figures.³ For meaning of this term, see page 99, Table V, footnote 2.⁴ Includes net credit of approximately \$4,068,000, representing adjustments on account of closing out of guaranty period reserves. Report of adjustments not received from one road.⁵ Includes net debit of approximately \$488,000, representing adjustments on account of closing out of guaranty period reserves. Report of adjustments not received from one road. See also footnote 2.

TABLE B.—*Ratio of expenses to revenues, Class I steam railways, 1911–1925, by districts. (Switching and terminal companies excluded)*

Year ended—	United States	Eastern district	Southern district	Western district
June 30—	<i>Per cent</i>	<i>Per cent</i>	<i>Per cent</i>	<i>Per cent</i>
1911.....	68.50	70.35	68.40	66.56
1912.....	69.19	70.27	71.06	67.29
1913.....	69.33	71.34	71.82	66.23
1914.....	72.05	75.71	72.58	67.90
1915.....	70.35	72.42	73.09	67.09
1916.....	65.33	66.65	66.38	63.43
Dec. 31—				
1916.....	65.50	67.96	65.15	62.87
1917.....	70.44	74.93	68.04	66.38
1918.....	81.35	85.60	77.65	77.91
1919.....	85.06	88.31	86.99	80.69
1920.....	94.38	99.37	93.44	89.16
1921.....	82.71	84.63	84.39	79.86
1922.....	79.41	81.85	77.43	77.38
1923.....	77.83	79.20	77.15	76.39
1924.....	76.13	77.61	74.93	74.91
8 months, 1925.....	75.81	75.93	72.98	77.06

TABLE C.—*Analysis of operating revenues and expenses, Class I steam railways, including switching and terminal companies, 1923–1925*

Item	Eight months, January to August, inclusive		Calendar year 1924	Calendar year 1923
	1925	1924		
Operating revenues:				
Freight.....	\$2,901,013,986	\$2,767,570,497	\$4,347,916,272	\$4,625,786,003
Passenger.....	700,652,473	730,960,725	1,076,615,373	1,147,577,634
Mail.....	63,514,460	63,860,756	97,968,330	92,923,884
Express.....	89,992,987	90,780,474	143,705,417	152,955,826
All other.....	217,835,732	209,504,802	320,286,728	341,179,866
Total.....	3,973,009,638	3,862,677,254	5,986,492,120	6,360,423,213
Per cent of total:				
Freight.....	73.0	71.6	72.6	72.7
Passenger.....	17.6	18.9	18.0	18.0
Mail.....	1.6	1.7	1.6	1.5
Express.....	2.3	2.4	2.4	2.4
All other.....	5.5	5.4	5.4	5.4
Operating expenses:				
Maintenance of way and structures.....	540,745,817	528,945,633	\$802,322,886	\$821,912,978
Maintenance of equipment.....	840,592,930	843,311,219	1,270,119,592	1,473,564,764
Traffic.....	69,722,996	65,703,033	99,082,513	94,194,661
Transportation.....	1,416,278,548	1,442,795,236	2,180,984,066	2,352,021,895
General.....	115,820,331	112,701,778	169,084,264	164,265,122
All other.....	27,482,803	24,582,265	36,714,460	39,175,978
Total.....	3,010,643,425	3,018,039,164	4,558,307,781	4,945,135,398
Per cent of total:				
Maintenance of way and structures.....	18.0	17.5	17.6	16.6
Maintenance of equipment.....	27.9	28.0	27.9	29.8
Traffic.....	2.3	2.2	2.2	1.9
Transportation.....	47.0	47.8	47.8	47.6
General.....	3.9	3.7	3.7	3.3
All other.....	.9	.8	.8	.8
Railway tax accruals.....	232,493,243	220,018,832	\$344,075,226	\$337,334,429
Uncollectible railway revenue.....	1,156,177	1,409,110	2,327,265	2,081,793
Equipment rents—debit.....	50,596,076	46,602,799	73,392,641	70,277,029
Joint facility rent—debit.....	15,358,110	14,182,146	21,255,890	21,858,339
Net railway operating income.....	662,762,607	562,425,203	987,133,417	983,736,225

TABLE D.—*Ton-miles of freight (revenue and nonrevenue) by months, 1921-1925, Class I steam railways*

Month	1925	1924	1923	1922	1921
	<i>Millions</i>	<i>Millions</i>	<i>Millions</i>	<i>Millions</i>	<i>Millions</i>
January	37,040	34,510	37,707	27,151	29,784
February	33,575	35,982	32,628	28,451	24,915
March	35,335	36,426	39,222	32,941	26,816
April	33,577	31,926	38,321	24,735	25,591
May	37,147	33,915	39,598	27,940	28,220
June	35,863	31,968	38,001	29,062	28,146
July	37,967	33,185	38,518	27,115	28,402
August	41,723	36,457	40,344	30,472	30,420
September		39,046	39,461	34,334	30,864
October		43,110	42,210	39,287	36,672
November		38,049	38,158	38,077	29,222
December		34,998	33,427	36,271	25,723
12 months		¹ 429,453	¹ 457,607	¹ 375,952	¹ 344,911

¹ Includes certain corrections not appearing in monthly figures.TABLE E.—*Selected operating averages in freight and passenger service of Class I steam railways in the United States, 1923-1925*

Item	Eight months, January-August		Calendar year	
	1925	1924	1924	1923
Average miles of road included.....	235,043	234,581	234,580	234,534
Net ton-miles per mile of road per day.....	5,116	4,794	5,002	5,346
Per cent of freight locomotives unserviceable.....	18.3	18.9	18.8	21.6
Per cent of freight cars unserviceable.....	8.0	7.6	7.8	8.0
Per cent loaded of total car-miles.....	64.5	65.0	65.1	65.7
Per cent eastbound or northbound of loaded car-miles.....	58.3	59.2	59.5	59.5
Car-miles per car day.....	27.3	26.0	26.9	27.8
Net ton-miles per car day.....	475	453	472	510
Net tons per loaded car.....	27.0	26.8	27.0	27.9
Cars per train.....	43.5	41.2	41.7	39.9
Gross tons per train (excluding locomotives and tenders).....	1,655	1,563	1,588	1,539
Net tons per train including nonrevenue tons.....	740	702	715	713
Average miles per hour, trains in freight service.....	11.9	11.5	11.5	10.9
Pounds of coal per 1,000 gross ton-miles (including locomotives and tenders).....	139	151	149	161
Average cost of coal per ton (including freight).....	\$2.75	\$3.13	\$3.03	\$3.45
Revenue per ton-mile.....	\$0.01098	\$0.01121	\$0.01116	\$0.01116
Average haul per revenue ton:				
Per railroad.....	179.69	180.09	181.09	178.77
United States as a system.....	(¹)	(¹)	327.14	322.69
Number of freight train miles.....	394,836,242	390,778,667	600,576,000	641,563,000
Number of passenger train-miles.....	369,328,905	370,440,720	553,253,000	549,923,000
Number of passenger-train car-miles.....	2,458,058,971	2,422,174,100	3,632,032,000	3,576,843,000
Passenger-train cars per train.....	6.66	6.54	6.56	6.50
Revenue per passenger per mile:				
Including commutation passengers.....	\$0.02913	\$0.02970	\$0.02978	\$0.03019
Excluding commutation passengers.....	\$0.03316	\$0.03360	\$0.03383	\$0.03409

¹ Data not available.

TABLE F.—*Results of operations of the Pullman Co., 1923-1925*¹

[Italics indicate deficit]

Item	Nine months, January-September		Calendar year	
	1925	1924	1924	1923
Sleeping-car operations:				
Total revenues.....	\$60,647,339	\$55,623,622	\$72,757,836	\$72,576,235
Total expenses.....	46,395,660	45,820,132	61,609,196	55,885,100
Net revenue.....	14,251,679	9,803,490	11,148,640	16,691,135
Auxiliary operations:				
Net revenue.....	89,055	55,990	66,859	73,581
Total net revenue.....	14,340,734	9,859,480	11,215,499	16,764,716
Taxes accrued.....	3,416,626	2,779,071	3,460,131	4,475,308
Operating income or loss.....	10,924,108	7,080,409	7,755,368	12,289,408
Statistics of car operations:				
Number of revenue passengers:				
Berth.....	17,072,445	16,417,956	21,419,639	21,489,952
Seat.....	9,783,846	9,666,740	12,666,117	12,759,493
Total.....	26,856,291	26,084,696	34,085,756	34,249,445
Number of nonrevenue passengers.....	484,629	475,695	633,719	626,267
Revenue passengers per car per day.....	11.96	12.46	12.25	12.91
Revenue per berth passenger.....	\$3.38	\$3.30	\$3.29	\$3.23
Revenue per seat passenger.....	\$0.77	\$0.76	\$0.76	\$0.75
Car-miles per car day.....	345.39	340.50	339.16	335.80

¹ Statement covers car and auxiliary operations other than manufacturing plant.TABLE G.—*Average number of employees, total compensation and average compensation per annum, fiscal year ended June 30, 1925, Class I railways*

Division No.	Reporting division	Average number of employees middle of month	Total compensation	Average compensation per annum
	I. EXECUTIVES, OFFICIALS, AND STAFF ASSISTANTS			
1	Executives, general officers, and assistants.....D	7,310	\$50,243,428	\$6,873
2	Division officers, assistants, and staff assistants.....D	9,064	35,904,746	3,961
	Total (executives, officials, and staff assistants).....D	16,374	86,148,174	5,261
	II. PROFESSIONAL, CLERICAL, AND GENERAL			
3	Architectural, chemical, and engineering assistants (A).....D	2,826	8,201,600	2,902
4	Architectural, chemical, and engineering assistants (B).....D	3,848	8,549,415	2,222
5	Subprofessional engineering and laboratory assistants.....D	3,450	5,616,863	1,628
6	Professional and subprofessional legal assistants.....D	550	1,451,182	2,639
7	Supervisory or chief clerks (major departments).....D	5,199	14,623,838	2,813
8	Chief clerks (minor departments) and assistant chief clerks and supervising cashiers.....D	13,069	28,692,439	2,195
9	Clerks and clerical specialists (A).....D	13,393	25,752,983	1,923
10	Clerks (B).....D	133,846	206,017,018	1,539
11	Clerks (C).....D	19,833	24,309,358	1,226
12	Mechanical device operators (office).....D	7,849	10,129,333	1,291
13	Stenographers and secretaries (A).....D	3,515	6,369,826	1,812
14	Stenographers and typists (B).....D	21,563	30,147,929	1,398
15	Storekeepers, sales agents, and buyers.....D	3,308	6,735,909	2,036
16	Ticket agents and assistant ticket agents.....D	1,653	3,475,840	2,103
17	Traveling auditors or accountants.....D	2,067	5,159,661	2,496
18	Telephone switchboard operators and office assistants.....D	5,158	4,698,292	911
19	Messengers and office boys.....D	6,542	4,562,416	697
20	Elevator operators and other office attendants.....D	1,188	1,203,136	1,013
21	Lieutenants and sergeants of police.....D	2,407	4,941,010	2,053
22	Patrolmen.....D	5,972	10,451,521	1,750
23	Watchmen (without police authority).....D	3,444	4,265,028	1,238
24	Supervising traffic agents.....D	1,616	5,839,993	3,614
25	Traffic agents, advertising and development agent.....D	6,231	10,663,526	2,578
26	Fire prevention, smoke, and time-service inspectors, and office building superintendents.....D	404	959,243	2,374

TABLE G.—Average number of employees, total compensation and average compensation per annum, fiscal year ended June 30, 1925, Class I railways—Con.

Division No.	Reporting division	Average number of employees middle of month	Total compensation	Average compensation per annum
II. PROFESSIONAL, CLERICAL, AND GENERAL—continued				
27	Claim agents and claim investigators.....D	1,844	\$4,727,514	\$2,564
28	Real estate and tax agents and investigators.....D	370	990,087	2,676
29	Examiners, instructors, and special investigators.....D	531	1,453,765	2,738
30	Miscellaneous trades workers (other than plumbers).....D	624	1,061,135	1,701
31	Motor vehicle and motor car operators.....D	1,170	1,518,663	1,298
32	Teamsters and stablemen.....D	118	159,307	1,350
33	Janitors and cleaners.....D	7,803	7,309,075	937
Total (professional, clerical, and general):				
Daily basis.....D		50,954	111,832,552	2,195
Hourly basis.....D		230,437	343,604,353	1,491
III. MAINTENANCE OF WAY AND STRUCTURES				
34	Roadmasters and general foremen (maintenance of way and structures).....D	3,318	9,826,280	2,962
35	Assistant general foremen (maintenance of way and structures).....D	330	852,887	2,585
36	Supervising maintenance of way inspectors and scale inspectors.....D	325	725,557	2,232
37	Maintenance of way inspectors.....D	642	1,370,426	2,135
38	Bridge and building gang foremen (skilled labor, maintenance of way and structures).....D	5,375	10,828,993	2,015
39	Bridge and building carpenters.....D	22,563	32,646,983	1,447
40	Bridge and building ironworkers.....D	1,002	1,736,441	1,733
41	Bridge and building painters.....D	2,698	3,796,061	1,407
42	Masons, bricklayers, plasterers, and plumbers.....D	2,190	3,928,767	1,794
43	Skilled trades helpers (maintenance of way and structures).....D	9,982	11,570,063	1,159
44	Regular apprentices (maintenance of way and structures).....D	121	120,903	999
45	Portable steam equipment operators (maintenance of way and structures).....D	2,174	4,202,389	1,933
46	Portable steam equipment operator helpers (maintenance of way and structures).....D	807	1,092,367	1,354
47	Pumping equipment operators.....D	5,799	5,772,715	995
48	Gang foremen (extra gang and work-train laborers).....D	3,853	6,325,267	1,642
49	Gang foremen (bridge and building, signal and telegraph laborers).....D	603	1,220,189	2,024
50	Gang or section foremen.....D	39,792	59,408,673	1,493
51	Laborers (extra gang and work-train).....D	55,755	50,665,813	909
52	Track and roadway section laborers.....D	201,186	175,666,953	873
53	Maintenance of way laborers (other than track and roadway) and gardeners and farmers.....D	8,051	7,313,822	908
54	General foremen and supervising inspectors (signal, telegraph, and electrical transmission).....D	498	1,507,803	3,028
55	Assistant general foremen (signal, telegraph, and electrical transmission) and signal and telegraph inspectors.....D	593	1,556,993	2,626
56	Gang foremen (signal and telegraph skilled trades labor).....D	1,320	3,073,485	2,328
57	Signalmen and signal maintainers.....D	8,477	16,004,797	1,888
58	Linemen and groundmen.....D	2,641	4,682,755	1,773
59	Assistant signalmen and assistant signal maintainers.....D	2,732	3,939,502	1,442
60	Signalman and signal maintainer helpers.....D	3,349	3,947,776	1,179
Total (maintenance of way and structures):				
Daily basis.....D		4,739	13,743,963	2,900
Hourly basis.....D		381,437	410,040,697	1,075
IV. MAINTENANCE OF EQUIPMENT AND STORES				
61	General foremen (maintenance of equipment).....D	1,508	5,414,046	3,590
62	Assistant general foremen and department foremen (maintenance of equipment).....D	11,766	36,391,914	3,093
63	General foremen (stores).....D	310	656,053	2,116
64	Assistant general foremen (stores).....D	175	345,740	1,976
65	Equipment, shop, and electrical inspectors (maintenance of equipment).....D	1,516	3,948,689	2,605
66	Material and supplies inspectors.....D	1,778	3,705,761	2,084
67	Gang foremen and gang leaders (skilled labor).....D	11,905	30,892,685	2,595
68	Blacksmiths.....D	9,341	16,706,061	1,788
69	Boilermakers.....D	20,027	37,367,774	1,866
70	Carmen (A).....D	22,671	39,944,628	1,762
71	Carmen (B).....D	4,565	7,796,570	1,708
72	Carmen (C).....D	88,432	149,321,211	1,689
73	Carmen (D).....D	2,301	3,566,357	1,550
74	Electrical workers (A).....D	6,729	13,017,429	1,935
75	Electrical workers (B).....D	2,645	4,782,772	1,808

TABLE G.—Average number of employees, total compensation and average compensation per annum, fiscal year ended June 30, 1925, Class I railways—Con.

Division No.	Reporting division	Average number of employees middle of month	Total compensation	Average compensation per annum
IV. MAINTENANCE OF EQUIPMENT AND STORES—continued				
76	Electrical workers (C).....	262	\$475,680	\$1,816
77	Machinists.....	62,021	114,083,161	1,839
78	Molders.....	1,256	2,274,364	1,811
79	Sheet-metal workers.....	11,728	21,521,265	1,835
80	Skilled trades helpers (maintenance of equipment and stores).....	116,596	149,252,814	1,280
81	Helper apprentices (maintenance of equipment and stores).....	8,150	10,461,210	1,284
82	Regular apprentices (maintenance of equipment and stores).....	14,161	12,329,059	871
83	Gang foremen laborers (shops, engine houses, power plants, and stores).....	4,227	6,741,562	1,595
84	Coach cleaners.....	12,887	14,156,880	1,099
85	Laborers (shops, engine houses, power plants, and stores).....	44,694	50,849,185	1,138
86	Common laborers (shops, engine houses, power plants, and stores).....	59,950	57,753,879	963
87	Stationary engineers (steam).....	2,623	5,028,679	1,917
88	Stationary firemen and oilers (steam and electrical plants).....	5,779	9,050,894	1,566
89	Coal passers and water tenders (steam station boiler rooms).....	587	792,098	1,349
	Total (maintenance of equipment and stores):			
	Daily basis.....	17,053	50,462,203	2,959
	Hourly basis.....	513,537	758,166,217	1,476
V. TRANSPORTATION (OTHER THAN TRAIN, ENGINE, AND YARD)				
90	Chief train dispatchers, train dispatchers, and train directors.....	5,444	17,288,680	3,176
91	Station agents (supervisory—major stations—nontelegraphers).....	2,501	7,473,192	2,988
92	Station agents (supervisory—smaller stations—nontelegraphers).....	5,424	11,143,157	2,054
93	Station agents (nonsupervisory—smaller stations—nontelegraphers).....	3,821	4,657,366	1,219
94	Station agents (telegraphers and telephoners).....	19,441	33,754,552	1,736
95	Chief telegraphers and telephoners or wire chiefs.....	831	1,977,883	2,380
96	Clerk-telegraphers and clerk-telephoners.....	13,512	22,940,656	1,698
97	Telegraphers, telephoners, and towermen.....	26,291	46,107,920	1,754
98	Station masters and assistants.....	509	1,237,845	2,432
99	Supervising baggage agents.....	127	274,627	2,162
100	Baggage agents and assistants.....	794	1,304,913	1,643
101	Baggage, parcel room, and station attendants.....	9,549	11,562,864	1,211
102	General foremen (freight stations, warehouses, grain elevators, and docks).....	563	1,207,845	2,145
103	Assistant general foremen (freight stations, warehouses, grain elevators, and docks).....	454	860,449	1,895
104	Gang foremen (freight station, warehouse, grain elevator, and dock labor).....	3,563	6,034,848	1,694
105	Callers, loaders, scalers, sealers, and perishable freight inspectors.....	15,484	19,628,894	1,268
106	Truckers (stations, warehouses, and platforms).....	38,439	42,253,345	1,099
107	Laborers (coal and ore docks and grain elevators).....	1,549	2,197,298	1,419
108	Common laborers (stations, warehouses, platforms, and grain elevators).....	4,307	4,579,876	1,063
109	Stewards, restaurant and lodging-house managers, and dining-car supervisors.....	1,625	3,147,616	1,937
110	Chefs and first cooks (dining cars and restaurants).....	1,494	2,541,107	1,701
111	Second and third cooks (dining cars and restaurants).....	2,726	3,224,709	1,183
112	Waiters and lodging-house attendants.....	6,462	5,160,085	799
113	Camp and crew cooks and kitchen helpers.....	3,491	3,163,652	906
114	Barge, lighter, and gasoline launch officers and workers.....	2,033	3,799,981	1,869
115	Deck officers (ferryboats and towing vessels).....	868	2,157,145	2,485
116	Engine-room officers (ferryboats and towing vessels).....	831	2,036,410	2,451
117	Deck and engine-room workers (ferryboats and towing vessels).....	4,237	6,576,197	1,552
118	Deck and engine-room officers and workers (steamers).....	1,362	1,373,706	1,009
119	Floating equipment shore workers and attendants.....	1,013	1,359,074	1,342
120	Transportation and dining service inspectors.....	920	2,308,111	2,400
121	Parlor and sleeping car conductors.....	61	120,219	1,971
122	Train attendants.....	3,459	3,928,450	1,136
123	Bridge operators and helpers.....	1,419	1,868,866	1,317
124	Crossing and bridge flagmen and gatemen.....	22,901	20,614,275	900
125	Foremen (laundry) and laundry workers.....	387	404,190	1,044
	Total (transportation—other than train, engine, and yard):			
	Daily basis.....	26,958	31,808,050	1,180
	Hourly basis.....	180,934	268,361,953	1,483

TABLE G.—Average number of employees, total compensation and average compensation per annum, fiscal year ended June 30, 1925, Class I railways—Con.

Division No.	Reporting division	Average number of employees middle of month	Total compensation	Average compensation per annum
	VI (a). TRANSPORTATION (YARDMASTERS, SWITCH TENDERS, AND HOSTLERS)			
126	Yardmasters and assistants.....D	6, 772	\$21, 042, 614	\$3, 107
127	Switch tenders.....	5, 806	9, 583, 524	1, 651
128	Outside hostlers.....	2, 702	5, 948, 671	2, 202
129	Inside hostlers.....	6, 862	12, 874, 509	1, 876
130	Outside hostler helpers.....	2, 090	3, 559, 281	1, 703
	Total (transportation—yardmasters, switch tenders, and hostlers):			
	Daily basis.....	6, 772	21, 042, 614	3, 107
	Hourly basis.....	17, 460	31, 965, 985	1, 831
	Total all groups (except train and engine):			
	Daily basis.....	122, 850	315, 037, 556	2, 564
	Hourly basis.....	1, 323, 805	1, 812, 139, 205	1, 369
	VI (b). TRANSPORTATION (TRAIN AND ENGINE)			
131	Road passenger conductors.....	10, 496	30, 752, 318	2, 930
132	Assistant road passenger conductors and ticket collectors....	1, 223	2, 982, 488	2, 439
133	Road freight conductors.....	24, 631	67, 131, 751	2, 725
135	Road passenger baggagemen.....	5, 819	12, 823, 173	2, 204
136	Road passenger brakemen and flagmen.....	14, 282	28, 495, 057	1, 995
137	Road freight brakemen and flagmen.....	59, 527	121, 812, 655	2, 046
139	Yard conductors and yard foremen.....	20, 574	48, 756, 153	2, 370
140	Yard brakemen and yard helpers.....	51, 759	103, 826, 981	2, 006
141	Road passenger engineers and motormen.....	12, 917	40, 680, 259	3, 149
142	Road freight engineers and motormen.....	30, 368	92, 972, 040	3, 062
144	Yard engineers and motormen.....	20, 676	50, 700, 244	2, 452
145	Road passenger firemen and helpers.....	12, 594	29, 661, 706	2, 355
146	Road freight firemen and helpers.....	32, 533	69, 843, 550	2, 147
147	Yard firemen and helpers.....	21, 116	39, 057, 933	1, 850
	Total (transportation—train and engine).....	318, 515	739, 496, 308	2, 322
	Grand total, all employees.....	1, 765, 170	2, 866, 673, 069	1, 624

TABLE H.—*Tonnage of commodities originating on Class I steam railways, 1924-25*

Commodity	January-June, 1925		January-June, 1924		Calendar year, 1924	
	Number of tons (2,000 lbs.)	Per cent of total	Number of tons (2,000 lbs.)	Per cent of total	Number of tons (2,000 lbs.)	Per cent of total
PRODUCTS OF AGRICULTURE						
Wheat.....	7,452,868	1.29	7,384,213	1.33	27,444,296	2.31
Corn.....	6,456,453	1.12	8,822,727	1.59	14,882,994	1.25
Oats.....	3,735,502	.65	3,658,295	.66	8,507,116	.72
Other grain.....	1,668,505	.29	1,725,422	.31	5,605,572	.47
Flour and meal.....	4,649,086	.81	4,834,053	.87	10,331,041	.87
Other mill products.....	4,815,711	.83	5,227,344	.95	10,084,566	.85
Hay, straw, and alfalfa.....	2,773,785	.48	2,945,044	.53	5,801,524	.49
Tobacco.....	518,743	.09	632,166	.12	1,069,476	.09
Cotton.....	1,220,314	.21	789,319	.14	3,258,956	.27
Cottonseed and products, except oil.....	1,750,860	.30	1,264,035	.23	4,598,225	.39
Citrus fruits.....	871,628	.15	1,019,959	.19	1,650,102	.14
Other fresh fruits.....	1,227,919	.21	1,238,589	.22	5,114,300	.43
Potatoes.....	2,287,489	.40	2,233,436	.40	4,591,140	.39
Other fresh vegetables.....	1,404,950	.24	1,334,320	.24	2,685,015	.23
Dried fruits and vegetables.....	455,607	.08	534,753	.10	1,438,168	.12
Other products of agriculture.....	1,826,764	.32	1,584,158	.29	9,524,353	.80
Total.....	43,116,184	7.47	45,224,833	8.17	116,586,844	9.82
ANIMALS AND PRODUCTS						
Horses and mules.....	253,915	.04	259,446	.05	531,295	.05
Cattle and calves.....	3,881,438	.67	3,858,621	.70	9,314,827	.78
Sheep and goats.....	502,946	.09	465,903	.08	1,215,254	.10
Hogs.....	2,994,265	.52	3,588,666	.65	6,706,586	.57
Fresh meats.....	1,448,467	.25	1,477,718	.27	3,000,481	.25
Other packing-house products.....	1,077,167	.19	1,238,524	.22	2,395,999	.20
Poultry.....	133,428	.02	150,804	.03	376,048	.03
Eggs.....	392,851	.07	374,014	.07	572,032	.05
Butter and cheese.....	325,302	.06	301,988	.05	648,439	.05
Wool.....	134,605	.02	142,658	.02	293,934	.03
Hides and leather.....	527,065	.09	503,204	.09	1,025,671	.09
Other animals and products.....	871,493	.15	839,006	.15	1,667,482	.14
Total.....	12,542,942	2.17	13,200,552	2.38	27,747,118	2.34
PRODUCTS OF MINES						
Anthracite coal.....	38,203,549	6.62	38,273,681	6.91	76,107,985	6.41
Bituminous coal.....	153,141,092	26.53	152,358,553	27.52	320,367,485	26.98
Coke.....	9,427,410	1.63	10,469,802	1.89	18,023,310	1.52
Iron ore.....	26,992,905	4.68	21,499,526	3.89	55,851,380	4.70
Other ores and concentrates.....	5,856,073	1.01	5,089,622	.92	10,504,033	.88
Base bullion and matte.....	462,094	.08	428,897	.08	889,529	.08
Clay, gravel, sand, and stone.....	61,467,216	10.65	54,424,048	9.83	136,649,674	11.51
Crude petroleum.....	5,412,994	.94	3,834,983	.69	8,411,660	.71
Asphaltum.....	1,024,867	.18	943,099	.17	2,517,481	.21
Salt.....	1,582,690	.27	1,525,432	.28	3,303,082	.28
Other products of mines.....	2,900,553	.50	2,282,926	.41	4,956,701	.42
Total.....	306,471,443	53.09	291,130,569	52.59	637,582,320	53.70
PRODUCTS OF FORESTS						
Logs, posts, poles, and cordwood.....	25,051,650	4.34	24,934,166	4.50	45,551,229	3.84
Ties.....	2,460,293	.43	3,309,718	.60	5,508,196	.46
Pulp wood.....	3,505,696	.61	3,468,146	.63	5,603,098	.47
Lumber, timber, box shooks, staves, and headings.....	24,773,125	4.29	24,735,187	4.47	48,611,354	4.09
Other products of forests.....	1,377,699	.24	1,328,466	.24	2,820,229	.24
Total.....	57,168,463	9.91	57,775,683	10.44	108,094,106	9.10
MANUFACTURES AND MISCELLANEOUS						
Refined petroleum and its products.....	21,627,132	3.75	18,761,187	3.39	41,297,581	3.48
Vegetable oils.....	708,616	.12	494,290	.09	1,150,211	.10
Sugar, sirup, glucose, and molasses.....	2,795,925	.48	2,534,648	.46	5,407,401	.46
Boats and vessel supplies.....	7,461	(¹)	6,507	(¹)	14,546	(¹)
Iron, pig and bloom.....	7,181,118	1.24	6,655,078	1.20	12,070,963	1.02
Rails and fastenings.....	1,559,112	.27	1,530,878	.28	2,470,683	.21
Bar and sheet iron, structural iron, and iron pipe.....	14,469,441	2.51	12,860,632	2.32	24,800,114	2.09
Other metals, pig, bar, and sheet.....	2,621,028	.45	2,615,606	.47	4,904,145	.41

¹ Less than 0.01 per cent.

TABLE H.—*Tonnage of commodities originating on Class I steam railways, 1924-25—Continued*

Commodity	January-June, 1925		January-June, 1924		Calendar year, 1924	
	Number of tons (2,000 lbs.)	Per cent of total	Number of tons (2,000 lbs.)	Per cent of total	Number of tons (2,000 lbs.)	Per cent of total
MANUFACTURES AND MISCELLANEOUS—continued						
Castings, machinery and boilers.....	2,694,040	0.47	2,585,566	0.47	4,929,723	0.41
Cement.....	10,816,400	1.87	9,608,938	1.74	22,969,596	1.93
Brick and artificial stone.....	9,379,951	1.63	8,667,703	1.57	18,164,637	1.53
Lime and plaster.....	3,302,985	.57	2,935,401	.53	6,008,021	.51
Sewer pipe and drain tile.....	1,175,427	.20	1,026,779	.19	2,281,307	.19
Agricultural implements and vehicles other than automobiles.....	1,216,597	.21	1,167,531	.21	2,158,055	.18
Automobiles and autotrucks.....	3,441,019	.60	3,504,538	.63	6,061,479	.51
Household goods and secondhand furniture.....	264,631	.05	324,297	.06	595,833	.05
Furniture (new).....	450,947	.08	401,662	.07	836,593	.07
Beverages.....	403,068	.07	320,967	.06	682,640	.06
Ice.....	1,911,746	.33	1,828,217	.33	4,430,140	.37
Fertilizers (all kinds).....	6,190,735	1.07	5,786,963	1.04	7,814,825	.66
Paper, printed matter, and books.....	1,668,890	.29	1,522,045	.27	3,051,381	.26
Chemicals and explosives.....	4,885,268	.85	4,248,521	.77	8,423,296	.71
Textiles.....	455,938	.08	402,859	.07	881,926	.07
Canned goods (all canned food products).....	1,306,647	.23	1,293,391	.23	3,739,634	.31
Other manufactures and miscellaneous.....	37,659,265	6.52	35,173,617	6.35	71,592,062	6.03
Total.....	138,193,387	23.94	126,257,821	22.80	256,736,792	21.62
Grand total, carload traffic.....	557,492,419	96.58	533,589,458	96.38	1,146,747,180	96.58
Merchandise—All l. c. l. freight.....	19,757,168	3.42	20,026,477	3.62	40,550,151	3.42
Grand total, carload and l. c. l. traffic.....	577,249,587	100.00	553,615,935	100.00	1,187,297,331	100.00

TABLE I.—*Summary of casualties to persons on steam railways in the United States for the years ending December 31, 1924, 1923, 1922, 1921, and 1920*

Class of person	Number of persons									
	1924		1923		1922		1921		1920	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
<i>Train and train-service accidents</i>										
1. Trespassers.....	2,556	2,853	2,779	3,047	2,430	2,844	2,481	3,071	2,166	2,368
2. Employees:										
Trainmen on duty.....	672	29,224	937	36,195	719	29,311	658	25,968	1,265	42,840
Other employees.....	574	3,177	708	3,539	579	3,123	479	2,779	933	4,394
Total employees.....	1,246	32,401	1,645	39,734	1,298	32,434	1,137	28,747	2,198	47,234
3. Passengers.....	149	5,354	138	5,847	200	6,153	205	5,584	229	7,591
4. Persons carried under contract.....	20	557	21	674	25	651	21	560	35	865
5. Other nontrespassers.....	2,244	7,206	2,339	7,162	1,898	5,907	1,743	5,362	1,867	5,728
Total classes 1 to 5.....	6,215	48,371	6,922	56,464	5,851	47,989	5,587	43,324	6,495	63,786
<i>Nontrain accidents</i>										
6. All persons in nontrain accidents.....	402	95,368	463	115,248	474	86,882	409	77,361	463	104,523

APPENDIX D

POINTS DECIDED BY THE COMMISSION IN REPORTED
RATE CASES, WITH INDEX OF POINTS DECIDED
AND TABLE OF CASES

POINTS DECIDED IN REPORTED RATE CASES

Chicago Heights Manufacturers' Asso. v. Pa. R. R. Co., 92 I. C. C. 194.

1. Rate on manganese-steel scrap, in carloads, from New Castle, Del., to Chicago Heights, Ill., found unreasonable. Reasonable rate prescribed.

Liberty Glass Co. v. St. L.-S. F. Ry. Co., 92 I. C. C. 199.

2. Rate on cullet, in carloads, from Memphis, Tenn., to Sapulpa, Okla., found not unreasonable. Refund of overcharges directed and complaint dismissed.

Cotton By-Products Co. v. S. Ry. Co., 92 I. C. C. 201.

3. Carload rates applicable, on munition liners, in compressed bales, from points in Georgia, Mississippi, Tennessee, Arkansas, and Oklahoma, to Peoria, Ill., Philadelphia, Pa., Kingston, Pa., and Elizabethport, N. J., found unreasonable. Reparation awarded.

Combination rule on livestock, 92 I. C. C. 205.

4. Proposed cancellation of rule for constructing combination rates in connection with shipments of livestock from points in Washington, Idaho, Montana, and North Dakota to primary markets, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Cottonseed cake, meal, etc., from Texas, 92 I. C. C. 207.

5. Proposed increased rates on cottonseed cake and meal, and articles taking the same rates, from Texas common points to points in Louisville, Ky., territory found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Nashville Traffic Bureau v. Director General, 92 I. C. C. 211.

6. Rates charged from September 20, 1917, to July 25, 1922, on traffic from Cincinnati, Ohio, and points taking Cincinnati rates, to Nashville, Tenn., found not illegal. Complaint dismissed.

Acheson Graphite Co. v. Director General, 92 I. C. C. 215.

7. Rates on Reilly carbon coke, in carloads, from Indianapolis, Ind., to Harriet and Niagara Falls, N. Y., during Federal control found unreasonable. Reparation awarded on certain shipments and waiver of collection of undercharges authorized as to others.

8. Rates on same commodity from St. Louis Park, Minn., to Harriet and Black Rock, N. Y., found unreasonable. Reparation awarded.

Houston Cotton Exch. v. A. & R. R. Co., 92 I. C. C. 220.

9. Defendants' failure to absorb out of the applicable rates the entire compress charges on shipments of cotton forwarded from points in Texas, Louisiana, Arkansas, and Oklahoma to interstate destinations, found unreasonable. Reparation awarded.

Classification of automobile fenders, 92 I. C. C. 223.

10. Proposed changes in ratings and minimum weights on automobile fenders in the three general classification territories found justified, except as to finished fenders, in carloads. Suspended schedules ordered canceled without prejudice to respondents' rights to file new schedules in accordance with our conclusions herein.

Buxton-Smith Co. v. E. P. & S. W. R. R. Co., 92 I. C. C. 227.

11. Rates on melons and cantaloupes, in straight and mixed carloads, and on melons, cantaloupes, and vegetables, in mixed carloads, from Imperial Valley points in California to Douglas, Ariz., found not unreasonable. Refrigeration charges applicable to such traffic found to have been and to be unreasonable to the extent that they exceeded and exceed \$85 per car. Reparation awarded.

Athletic Mining & Smelting Co. v. A. C. R. R. Co., 92 I. C. C. 233.

12. Shipments of dead coal and dead slack, in carloads, from Huntington and Midland, Ark., to South Fort Smith, Ark., during the period from October 7 to December 17, 1923, inclusive, and from Bonanza, Ark., to South Fort Smith, Ark., from October 7, 1923, to March 3, 1924, found to have been overcharged. Overcharges ordered refunded.

13. Rates on dead coal and dead slack, in carloads, from September 1, 1921, to October 7, 1923, and from December 18, 1923, to March 3, 1924, from Huntington and Midland, Ark., to South Fort Smith, Ark., found to have been unreasonable but not unjustly discriminatory or unduly prejudicial. Reparation awarded.

Wool between points in New England territory, 92 I. C. C. 236.

14. Schedules proposing increases within New England to the basis of rule 26 in the ratings on wool, in the grease, washed or unwashed, not scoured, in bales, in carloads, when compressed to a density of not less than 19 pounds per cubic foot, also cancellation of exceptions to official classification and the application of the classification basis within that territory on other wool in the grease, scoured wool, and wool noils and tops, found justified. Order of suspension vacated.

Garcia Sugars Corp. v. N. Y. C. R. R. Co., 92 I. C. C. 239.

15. Rates on raw sugar, in carloads, from Brooklyn and New York, N. Y., Weehawken, N. J., and Philadelphia, Pa., to Marine City, Mich., found not unreasonable. Complaint dismissed.

Gilinsky Fruit Co. v. Director General, 92 I. C. C. 242.

16. Rates charged on two carloads of apples from Fort Sumner, N. Mex., to Omaha, Nebr., during Federal control, found unreasonable. Reparation awarded.

Randolph Furniture Works v. E. R. R. Co., 92 I. C. C. 245.

17. Rate on bituminous coal, in carloads, from Wayco, Ohio, to Randolph, N. Y., found unreasonable. Reparation awarded.

Prairie Oil & Gas Co. v. A., T. & S. F. Ry. Co., 92 I. C. C. 248.

18. Rate on lumber, in carloads, from Ranger, Tex., to Drumright, Burbank, Copan, Deer Creek, and Temple, Okla., found unreasonable. Reparation awarded.

Watters-Tonge Lumber Co. v. A. & W. P. R. R. Co., 92 I. C. C. 251.

19. Rate on dressed yellow-pine lumber, in carloads, from Mobile, Ala., to College Park, Ga., found unreasonable. Reparation awarded.

Express weights on asparagus, 92 I. C. C. 254.

20. Proposed cancellation of estimated weights on shipments of asparagus by express from points in Arizona and California, found not justified. Suspended schedules ordered canceled without prejudice to the publication of estimated weights in conformity with the findings herein.

Deas Co. v. K. C. S. Ry. Co., 92 I. C. C. 256.

21. Rates on liquid asphalt, in tank-car loads, from Port Arthur and Port Neches, Tex., to West Monroe, La., found not unreasonable. No damage shown to complainant as a result of the departure from the long-and-short-haul provision of the fourth section. Complaint dismissed.

Murphy Bros. v. N. Y. C. R. R. Co., 92 I. C. C. 259.

22. Demurrage charges on shipments to Claremont Park station in New York, N. Y., held under constructive placement at the Mount Vernon, N. Y., yards of the New York Central because of inability of the complainants to unload the shipments on their private siding, found to have been properly assessed.

Swift & Co. v. Director General, 92 I. C. C. 263.

23. Refusal of carriers to pay shipper for initial icing of shipments of dressed poultry, butter, eggs, and cheese, in carloads, from certain points provided for in applicable tariffs to numerous destinations found illegal. Reparation awarded.

Refinite Co. v. C. & N. W. Ry. Co., 92 I. C. C. 266.

24. Rates on caustic soda, in carloads, from Painesville, Ohio, and Detroit, Midland, and Wyandotte, Mich., to Ardmore, S. Dak., found unreasonable. Certain shipments found to have been overcharged. Reasonable rates prescribed and reparation awarded.

Bordens' Farm Products Co. v. N. Y., N. H. & H. R. R. Co., 92 I. C. C. 270.

25. Failure or refusal of defendants to perform the service of icing interstate less-than-carload shipments of milk and other dairy products from points in New York and Connecticut to destinations in those States, while exacting rates including such service, found to constitute an unreasonable and unlawful practice. Reparation denied for lack of proof of the amount of damages sustained.

Sugar from Macon territory, 92 I. C. C. 275.

26. Proposed increased rates on sugar, in carloads, from Macon, Ga., territory to points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, found not not justified. Suspended schedules ordered canceled without prejudice to the publication of rates in conformity with our finding.

27. Fourth-section relief denied.

Ind. Public Service Commission v. A., T. & S. F. Ry. Co., 92 I. C. C. 279.

28. Rates on sugar, in carloads, from points in California, Colorado, Idaho, Kansas, Nebraska, and Utah to points in Indiana found not unreasonable or unduly prejudicial. Complaint dismissed. Fourth-section relief denied.

Midland Coal Co. v. St. L.-S. F. Ry. Co., 92 I. C. C. 283.

29. Rate on mine-run coal, in carloads, from Hammond, Kans., to Stark City, Mo., found unreasonable. Reparation awarded.

Transcontinental Oil Co. v. A., T. & S. F. Ry. Co., 92 I. C. C. 285.

30. Rate on a carload of wrought-iron pipe from Columbia, La., to Howard, Kans., found unreasonable. Reparation awarded.

Pressey Fruit Co. v. M. P. R. R. Co., 92 I. C. C. 287.

31. Rate on fresh tomatoes, in carloads, from St. Louis, Mo., to Pueblo, Colo., found unreasonable. Reasonable rate prescribed and reparation awarded.

Combination rates on brick, 92 I. C. C. 289.

32. Proposed cancellation of combination rule for constructing through rates on common brick between points on lines of respondents in Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Montana, Idaho, Oregon, and Washington, found not justified. Suspended schedules ordered canceled.

Whiting Plover Paper Co. v. S. Ry. Co., 92 I. C. C. 292.

33. Rate charged on numerous carload shipments of wood pulp from Bristol, Va.-Tenn., to Stevens Point, Wis., found unreasonable. Reparation awarded.

National Supply Co. v. C., C. & St. L. Ry. Co. 92 I. C. C. 295.

34. Rate on boilers, in carloads, from Muncie, Ind., to Houston and Orange, Tex., found unreasonable. Reparation awarded.

Albion Lumber Co. v. Director General, 92 I. C. C. 297.

35. Demurrage charges assessed on 27 cars of ties shipped during December, 1919, from points on the Clearbrook branch of the Northwestern Pacific Railroad to Albion, Calif., found to have been applicable and not unreasonable. Complaint dismissed.

Wuille & Co. v. M. H. R. R. Co., 92 I. C. C. 299.

36. Upon complaint that the failure of defendants from November 16, 1921, to January 7, 1922, to have a provision in the bill of lading whereby all freight and other charges were to be collected from the consignee without recourse upon the consignor, resulted in an unreasonable practice, in violation of section 1 of the act; *Held*, That the failure to have in effect such a provision was not an unreasonable practice. Complaint dismissed.

Warren Construction Co. v. G. N. P. S. S. Co., 92 I. C. C. 302.

37. Carload rates on asphalt from San Francisco, Calif., to Great Falls and Billings, Mont., found unreasonable. Reparation awarded.

Harriss, Irby & Vose v. B., S. L. & W. R. R. Co., 92 I. C. C. 304.

38. Rates on cotton, uncompressed and compressed in transit, from certain points in Louisiana to Galveston, Tex., found unreasonable. Reparation awarded.

Walsh Tie & Lumber Co. v. Director General, 92 I. C. C. 311.

39. Shipments of wooden ties, in carloads, from various points in Missouri to St. Louis, Mo., during Federal control, found to have been overcharged. Reparation awarded.

Tomahawk Shoe Co. v. C., M. & St. P. Ry. Co., 92 I. C. C. 315.

40. Rate on rubber soles found applicable and not unreasonable on carload shipment of Textan soles from Nashville, Tenn., to Tomahawk, Wis. Complaint dismissed.

Frost's Veneer Seating Co. v. St. L. S. W. Ry. Co., 92 I. C. C. 317.

41. Through rate in effect in December, 1920, on gum veneer from Clarendon, Ark., to Newport, Vt., found not unreasonable. Complaint dismissed.

Union Smelting & Refining Co. v. C. R. R. Co. of N. J., 92 I. C. C. 319.

42. Rate on solder, in carloads, from Newark, N. J., to Buffalo, Black Rock, and Lockport, N. Y., and points taking the same rates, found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Chase & Norton v. A. A. R. R. Co., 92 I. C. C. 322.

43. Rates on paper stock (waste paper and rags), in carloads, from points in the harbor of New York, N. Y., to points in New York, New Jersey, and New England, and to Niagara Falls, Canada, found not unreasonable or otherwise unlawful. Complaint dismissed.

Monarch Cement Co. v. A., T. & S. F. Ry. Co., 92 I. C. C. 325.

44. Complaint seeking reparation on six shipments of cement, in carloads, from Humboldt, Kans., to Slick, Okla., barred. Complaint dismissed.

Denver Alfalfa Milling & Products Co. v. Director General, 92 I. C. C. 326.

45. Rate on alfalfa meal, in carloads, from Melina, Colo., to St. Louis, Mo., found not unreasonable except to the extent that it exceeded the aggregate of intermediate rates. Reparation awarded.

Niagara Wallpaper Co. v. M., D. & S. R. R. Co., 92 I. C. C. 329.

46. Rates on crude clay, in carloads, from Dedrick, McIntyre, and Dry Branch, Ga., to Niagara Falls, N. Y., and New Brighton, Pa., found not unreasonable. Complaint dismissed.

N. O. Coal & Bisso Towboat Co. v. L. & N. R. R. Co., 92 I. C. C. 333.

47. Proposed allowance of 25 cents per ton for services rendered and instrumentalities furnished by complainant in transferring bunker coal from cars to vessels at New Orleans, La., found reasonable as a maximum for the period from May 1, 1921, to January 31, 1923. Payment authorized.

48. The commission is without power to require such payment by defendants in subnumbered complaints. Complaints dismissed.

Standard Potash Co. v. Director General, 92 I. C. C. 337.

49. Rate and rating on alkali salts, so-called potash, in carloads, shipped from Omaha, Nebr., to Dubuque, Iowa, found not unreasonable or otherwise unlawful. Complaint dismissed.

Coca-Cola Co. v. B. & O. R. R. Co., 92 I. C. C. 340.

50. Rating of fourth class on Coca-Cola sirup, in bulk in barrels or kegs, in carloads, in official classification, not shown to be unreasonable.

51. Rating of second class on that commodity in such containers, in less than carloads, found unreasonable to the extent that it exceeds rule 25.

Aluminum Goods Mfg. Co. v. A. & V. Ry. Co., 92 I. C. C. 346.

52. Rating and rates on aluminum articles, n. o. i. b. n., not decorated, not nested, in less than carloads, in western classification, found unreasonable to the extent that the rating, and rates based thereon, exceed one and one-quarter times first class. Rating and rates on same articles, nested, in less than carloads, in western classification, found not unreasonable or otherwise unlawful.

53. Rating of second class, minimum 12,000 pounds, on aluminum articles, n. o. i. b. n., not decorated, in carloads, in official, southern, and western classifications prescribed for application alternatively with present ratings, based on minimum of 20,000 pounds.

Classification of soap, 92 I. C. C. 353.

54. Proposed increase in less-than-carload rating in the official classification on soap, n. o. i. b. n., in pails or tubs, found not justified. Suspended schedules ordered canceled.

Tin, terne, and black plate, 92 I. C. C. 356.

55. Proposed reduced rates on tin, terne, and black plate, in carloads, from certain defined territories to Houston, Tex., and points taking the same rates found not justified. Suspended schedules ordered canceled.

Fitch Dustdown Co. v. A. A. R. R. Co., 92 I. C. C. 359.

56. Official classification rating of third class, in less than car loads, on floor-sweeping compound, in bulk, in barrels, found unreasonable to the extent that it exceeds fourth class. Former report, 85 I. C. C. 416, reversed.

Wadhams Oil Co. v. C. & N. W. Ry. Co., 92 I. C. C. 361.

57. Upon reargument, finding in 85 I. C. C. 705 affirmed.

Houston Cotton Exch. v. A. & S. Ry. Co., 92 I. C. C. 363.

58. Rates on cotton, any quantity, from points in Texas and Oklahoma to Galveston, Tex., for export, found to have been unreasonable. Reparation awarded.

59. Findings in original report in *Weatherford, Crump & Co. v. A. & S. Ry. Co.*, 73 I. C. C. 315, affirmed on reargument.

Wichita Board of Commerce v. Director General, 92 I. C. C. 370.

60. Upon further hearing, following original report herein, 66 I. C. C. 571, reparation awarded on shipments of paper and paper articles covered by the respective complaints as to which proof of paying and bearing the freight charges had not heretofore been made.

Diamond Match Co. v. Director General, 92 I. C. C. 373.

61. Finding in original report, 78 I. C. C. 413, that the rate on muriate of potash, in carloads, from Wilmington, Calif., to Bay City, Mich., and Niagara Falls, N. Y.; was unreasonable, affirmed upon further hearing.

Utah State Automobile Asso. v. A. T. & S. F. Ry. Co., 92 I. C. C. 376.

62. Upon further hearing, rates on gasoline, in carloads, from the mid-continent field, Colorado, Wyoming, and California to Salt Lake City, Ogden, and Provo, Utah, found unreasonable. Reasonable rates prescribed. Original report, 66 I. C. C. 8, modified.

Salt cases of 1923, 92 I. C. C. 388.

63. Reasonable carload minimum and uniform commodity rate description prescribed on rock, evaporated, bulk, and package salt.

64. Increases in carload minima on salt found justified. Orders of suspension vacated.

65. Maintenance of lower minima in connection with intrastate than with interstate rates on salt, in carloads, found unduly prejudicial to interstate commerce and unduly preferential of intrastate commerce. Undue prejudice ordered removed.

66. Rates on salt, in carloads, from and to various points of production and consumption in various territories found unreasonable in some instances, unduly prejudicial in others, and neither unreasonable nor unduly prejudicial in others. Reasonable and nonprejudicial rates prescribed for the future.

67. Florida intrastate rates on salt, in carloads, found to result in undue prejudice and preference between shippers and localities in interstate and intrastate commerce, respectively, and in unjust discrimination against interstate commerce. Such preference, prejudice, and discrimination ordered removed.

Meridian Traffic Bureau v. S. Ry. Co., 92 I. C. C. 439.

68. Upon further hearing: *Found*, that—

Rates on cotton in bales, any quantity, and clay, concrete, and shale products, in carloads, proposed by defendants, would be maximum reasonable rates for the future for application between Meridian, Miss., and certain points in Alabama.

69. Rates on hay, in carloads, and gravel, in carloads, between Meridian and points in Alabama are not so related to the intrastate rates on the same commodities within Alabama as to require the continued operation of the prior orders herein with respect to such rates. Prior reports, 60 I. C. C. 5, and 66 I. C. C. 179, modified.

Memphis-Southwestern investigation, 92 I. C. C. 447.

70. Upon further hearing, rates on sugar, in carloads, from Memphis, Tenn., to western Louisiana points found not unduly prejudicial to Memphis, as compared with the contemporaneous rates on like traffic from New Orleans, La., to the same destinations. Former report and order, 77 I. C. C. 473, modified.

Krauss Bros. Lumber Co. v. Director General, 92 I. C. C. 450.

71. Upon further hearing amended order further modified as to amount of reparation awarded. Original report, 66 I. C. C. 637.

Crawford & Sebastian v. C., R. I. & P. Ry. Co., 92 I. C. C. 453.

72. Upon reconsideration, rates on pipe, in carloads, from Gahagan, South Mansfield, and Harmon, La., and on oil-well supplies, in carloads, from Gahagan and Mansfield, La., to El Dorado, Ark., found unreasonable. Reparation awarded. Former report, 85 I. C. C. 753, reversed.

Nebraska Cement Co. v. C. & N. W. Ry. Co., 92 I. C. C. 457.

73. Rates charged on cement in carloads from Superior, Nebr., to numerous destinations in Nebraska on the Chicago & North Western found not subject to the jurisdiction of this commission. Complaint dismissed.

American Trading Co. v. Director General, 92 I. C. C. 461.

74. Upon further hearing, original report, 78 I. C. C. 387, denying reparation to complaint in Sub-No. 2, affirmed.

Southern Wire & Iron Co. v. A. C. & Y. Ry. Co., 92 I. C. C. 463.

75. Findings in original report, 87 I. C. C. 115, modified to the extent of awarding reparation in the full amount of the difference between the charges paid and those which would have accrued upon the bases found reasonable.

Forbes Mfg. Co. v. Y. & M. V. R. R. Co., 92 I. C. C. 465.

76. Rates on hogshead staves and headings, in carloads, from Helena, Ark., to points in Kentucky found not unreasonable. Complaint dismissed.

Thames v. Director General, 92 I. C. C. 469.

77. Charges on lumber, in carloads, from Poley and Ruthven, Ala., to Zanesville and Dayton, Ohio, respectively, found inapplicable. Reparation awarded.

Everist v. C., M. & St. P. Ry. Co., 92 I. C. C. 473.

78. Upon reconsideration, findings in original report, 87 I. C. C. 31, that shipments of crushed stone from Dell Rapids, S. Dak., to Max, Iowa, reconnected to Sioux City, Iowa, were misrouted and awarding reparation, affirmed.

Salina Northern R. R. Co. v. A., T. & S. F. Ry. Co., 92 I. C. C. 475.

79. Divisions of interstate joint rates accorded complainant found not unjust, unreasonable, inequitable, or otherwise unlawful. Complaint dismissed.

Armour Grain Co. v. Director General, 92 I. C. C. 482.

80. Proportional rates on grain, in carloads, from Illinois and Indiana points to Chicago, Ill., for reshipment by vessel, during Federal control found not unreasonable. No damage shown on account of any undue prejudice that may have existed. Complaint dismissed.

Badger Bag & Paper Co. v. M., D. & W. Ry. Co., 92 I. C. C. 485.

81. Complaint dismissed because not brought by real party in interest within the statutory period.

Indiana rates, fares, and charges, 92 I. C. C. 487.

82. Upon further hearings, order entered pursuant to our findings in the original report, 60 I. C. C. 337, modified so as to except from its provisions certain intrastate rates applicable between points in Indiana.

Bird v. Director General, 92 I. C. C. 494.

83. Rates collected on beet sugar, in carloads, shipped from Utah points to Boston, Mass., during November and December, 1919, and January, 1920, found inapplicable. Reparation awarded to the basis of the applicable rate.

Ind. Public Service Commission v. A. & V. Ry. Co., 92 I. C. C. 497.

84. Rates on wire and wire articles, in carloads and in less than carloads, from Anderson, Kokomo, and Muncie, Ind., to destinations in Kentucky and Tennessee, found not unreasonable or unjustly discriminatory but unduly prejudicial.

Ark. Fertilizer Co. v. A. & S. Ry. Co., 92 I. C. C. 504.

85. Rates on fertilizer and fertilizer compounds from Little Rock, Ark., to destinations in Oklahoma found (a) not unreasonable or otherwise unlawful on less-than-carload shipments, and (b) unreasonable, but not otherwise unlawful, on carload shipments. Reasonable carload rates prescribed.

86. Rates on fertilizer and fertilizer compounds, in carloads and less than carloads, from Little Rock to destinations in Texas found unreasonable and unduly prejudicial, but not unjustly discriminatory. Reasonable and nonprejudicial carload and less-than-carload rates prescribed.

Class and commodity rates to Mesa, Ariz., 92 I. C. C. 512.

87. Proposed increased class and commodity rates from various interstate points to Mesa, Ariz., found not justified. Suspended schedules ordered canceled.

88. Maintenance of class and commodity rates from various interstate points to Mesa and Nogales, Ariz., relatively lower than those to points on the Globe division of the Arizona Eastern found not unduly prejudicial and preferential. Previous findings and order in No. 13139, 81 I. C. C. 134, modified.

Shreveport Creosoting Co. v. L. & P. Ry. Co., 92 I. C. C. 519.

89. Rate charged on creosote oil, in tank-car loads, from Ensley, Ala., to De Ridder, La., between April 19, 1919, and February 19, 1920, found unreasonable. Reparation awarded.

90. The commission has power to allow interest as part of the damages sustained in consequence of the exaction of unreasonable rates during Federal control.

U. S. War Department v. A. & S. Ry. Co., 92 I. C. C. 528.

91. Upon further hearing, original report, 77 I. C. C. 317:

Basis of just, reasonable, and equitable divisions of joint rail-barge-rail rates on sugar from points in Louisiana to northern destinations prescribed.

92. Found, that the establishment of additional through routes and joint rail-barge-rail rates on sugar from points in Louisiana to points in central territory east of the Indiana-Illinois line, Kentucky, Tennessee, northern Arkansas, northern Kansas, Missouri, Nebraska, South Dakota, and North Dakota is desirable in the public interest. Rates and basis of divisions prescribed.

Duquesne Slag Products Co. v. P. R. R. Co., 92 I. C. C. 554.

93. Rates on crushed slag, in carloads, from producing points in eastern Pennsylvania to destinations in New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future.

Southwest Cotton Co. v. A. E. R. R. Co., 92 I. C. C. 563.

94. Rates on cotton from Phoenix and near-by points in Arizona to Columbus, Eatonton, Macon, and Thomaston, Ga., found unreasonable. Reasonable rates prescribed for the future, and reparation awarded.

95. Authority to continue for the transportation of cotton, compressed or uncompressed, from Phoenix and other points in Arizona, higher rates to Columbus, Eatonton, Macon, Thomaston, and other points in Georgia than are contemporaneously maintained on like traffic to more distant points, denied.

Chloride of zinc to Texarkana, Ark.-Tex., 92 I. C. C. 569.

96. Rates proposed on chloride of zinc, in carloads, from Chicago, Ill., and St. Louis, Mo., and points taking the same rates, to destinations in Arkansas found justified. Orders of suspension vacated.

Wichita Board of Commerce v. C., R. I. & P. Ry. Co., 92 I. C. C. 574.

97. Rate on broom handles, in carloads, from Glidden, Wis., to Wichita, Kans., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Bissinger & Co. v. G. N. Ry. Co., 92 I. C. C. 577.

98. Rates on sheep and goat pelts and skins, loose, in bundles, or in bales not machine pressed, in straight carloads, from points in Utah, Wyoming, Idaho, Montana, and Washington to Portland, Oreg., found not unreasonable or unduly prejudicial, but rates on such traffic in mixed carloads with cattle or horse hides, loose or in packages, found unreasonable. Reasonable basis of rates prescribed. Reparation denied.

Fleming Bros. v. G. N. R. R. Co., 92 I. C. C. 582.

99. Rates on yellow-pine lumber, timber, and other forest products, in carloads, to destinations in official and western trunk-line territories, and in Oklahoma, Texas, Kentucky, and Tennessee, from Frost, La., found unreasonable and reparation awarded; from Frost and Verdun, La., found unduly prejudicial, and basis for nonprejudicial rates prescribed. Prayer for "general damages" denied.

National Zinc Co. v. A., T. & S. F. Ry. Co. 92 I. C. C. 587.

100. Interstate rates on sulphuric, nitrating, and muriatic acids from Kansas City (Argentine), Kans., to destinations in Kansas and Texas found not unreasonable, unduly prejudicial, or otherwise unlawful.

101. Interstate rates on sulphuric, nitrating, and muriatic acids from Kansas City (Argentine), Kans., to Oklahoma destinations found not unreasonable but unduly prejudicial. Nonprejudicial relationship prescribed.

Donner Steel Co. v. D., L. & W. R. R. Co., 92 I. C. C. 595.

102. Finding in original report, 57 I. C. C. 745, that complainant has not shown that it has suffered any damage by reason of the practice of defendants in spotting cars or making an allowance therefor at plants of complainant's competitors in the Buffalo rate district, while refusing to spot cars or make allowance therefor at complainant's plants, affirmed upon further hearing. Reparation denied.

Midland Terra Cotta Co. v. P., C., C. & St. L. R. R. Co., 92 I. C. C. 601.

103. Rate on clay, in carloads, from Centerpoint, Ind., to Chicago, Ill., found unreasonable. Reparation awarded.

Minneapolis Steel & M. Co. v. Director General, 92 I. C. C. 603.

104. Shipments of coke from points in West Virginia to Minneapolis, Minn., during Federal control, found to have been overcharged. Reparation awarded.

Romann & Bush P. I. & C. Co. v. Director General, 92 I. C. C. 605.

105. Rates charged on smithing coal and coke, in carloads, from points in West Virginia, Pennsylvania, and Indiana to destination in Oregon, Washington, Idaho, Montana, British Columbia, Colorado, Utah, Minnesota, Kansas, Texas, Oklahoma, Missouri, and Arkansas found inapplicable. Reparation awarded.

Burson Knitting Co. v. B. & O. R. R. Co., 92 I. C. C. 607.

106. Any-quantity rate on unfinished cotton hosiery in compressed bales from Rockford, Ill., to Philadelphia, North Philadelphia, and Germantown, Pa., found not unreasonable or unjustly discriminatory. Complaint dismissed.

National Supply Co. v. Director General, 92 I. C. C. 610.

107. Rates charged on coal and coke, in carloads, from points in Virginia, Pennsylvania, Kentucky, Indiana, and Colorado to points in Nebraska, Kansas, and Iowa, found inapplicable. Reparation awarded.

Hormel & Co. v. C., M. & St. P. Ry. Co., 92 I. C. C. 613.

108. Rates on fresh meats and packing-house products, in straight and mixed carloads, from Austin, Minn., to Texas points found unreasonable. Reparation awarded.

Burns Bros. v. P. R. R. Co., 92 I. C. C. 615.

109. Charges for detention of interstate shipments of coal, in cars constructively placed short of destination, found applicable and not unreasonable. Complaint dismissed.

California Sales Co., v. Director General, 92 I. C. C. 619.

110. Rates on speedometers, speedometer heads, and speedometer connections from Chicago, Ill., to San Francisco and Los Angeles, Calif., found unreasonable. Reparation awarded.

Crabbs, Reynolds, Taylor Co. v. B. & O. R. R. Co., 92 I. C. C. 621.

111. Rate on coke, in carloads, from Portsmouth, Ohio, to Wingate, Ind., found not to have been or to be unreasonable, unduly prejudicial, or in violation of the fourth section. Complaint dismissed.

Famechon Co. v. A., T. & S. F. Ry. Co., 92 I. C. C. 624.

112. Rates assessed on potatoes, in carloads, from Columbia Falls, Kalispell, and Somers, Mont., to Anthony, Arkansas City, Goodland, Hutchinson, Wichita, and Winfield, Kans., and Ponca City, Okla., found inapplicable and applicable rates found not unreasonable. Overcharges directed to be refunded. Complaint dismissed.

Caddo Central Oil & Refining Corp. v. Director General, 92 I. C. C. 627.

113. Switching charges of the Kansas City Southern assessed on petroleum and its products, in carloads, from Cedar Grove, La., to an industry on the Houston & Shreveport within the switching limits of Shreveport, La., during Federal control, and those assessed on similar shipments from Cedar Grove and Gas Center, La., moving to interstate destinations during 1921 and 1922, found inapplicable. Complaints dismissed.

East St. Louis Cotton Oil Co. v. B. & O. R. R. Co., 92 I. C. C. 633.

114. Rate on cottonseed-hull shavings, in carloads, from East St. Louis, Ill., to Hopewell, Va., found to have been unreasonable. Reparation awarded.

Martin v. P. R. R. Co., 92 I. C. C. 639.

115. Charges on lettuce from points in New York to New York, N. Y., over interstate routes, and to Philadelphia, Pa., found applicable. Complaint dismissed.

Fowler Commission Co. v. St. L.-S. F. Ry. Co., 92 I. C. C. 641.

116. Reparation on account of switching grain and grain products, in carloads, between certain points in the Kansas City, Mo.-Kans., switching district denied for lack of proof of damage under sections 2 and 3, and the long-and-short-haul clause of section 4, of the interstate commerce act. Complaint dismissed.

Odell v. M. C. R. R. Co., 92 I. C. C. 643.

117. Charges based upon estimated weight of 20 pounds per 12-quart basket, assessed on grapes, in carloads, shipped from Decatur, Mich., to Chicago, Ill., during 1921, found not unreasonable or otherwise unlawful. Complaint dismissed.

Mason By-Products Co. v. Director General, 92 I. C. C. 646.

118. Rate assailed on refuse molasses, in tank-car loads, from Grants Pass, Oreg., to Oakland, Calif., during Federal control, found applicable, but unlawful, in violation of the fourth section, and unreasonable to the extent that it exceeded the aggregate of the intermediate rates. One shipment found not misrouted, as alleged. Reparation awarded on certain shipments. Complainant not shown to have been damaged by reason of violation of long-and-short-haul clause of the fourth section, or by any undue prejudice which may have existed.

United Paperboard Co. v. G. & J. Ry. Co., 92 I. C. C. 651.

119. Upon further hearing, reparation awarded to complainant on shipment of box board, chip board, wood-pulp board, and news board, in carloads, from Thomson, N. Y., to points on the Boston & Maine and New York, New Haven & Hartford. Original report in 81 I. C. C. 591.

Booth Fisheries Co. v. Amer. Ry. Exp. Co., 92 I. C. C. 653.

120. Second-class express rates on oysters in iced boxes or barrels, in carloads, from Atlantic seaboard points to western destinations, found not unreasonable or otherwise unlawful. Complaints dismissed.

Chapel v. P. R. R. Co., 92 I. C. C. 662.

121. Rates on anthracite coal, in carloads, from Shamokin district in Pennsylvania to Elmira, N. Y., found not unreasonable.

122. Nonabsorption of connecting line's switching charges on anthracite coal from Hazleton, Pa., by the Lehigh Valley at Elmira found not unreasonable or unduly prejudicial.

Riverside Portland Cement Co. v. Director General, 92 I. C. C. 667.

123. Rate charged between August 2, 1918, and June 30, 1919, inclusive, on cement, in carloads, from Crestmore, Calif., to San Pedro, Calif., for export, found unreasonable and unjustly discriminatory. Reparation awarded.

Raritan Copper Works v. Director General, 92 I. C. C. 671.

124. Finding in former report, 64 I. C. C. 691, that fifth-class rate on copper bars, in carloads, from Rome, N. Y., to Perth Amboy, N. J., during January, 1920, was not unreasonable, affirmed on further hearing. Complaint dismissed.

Ceramic Traffic Asso. v. M. C. R. R. Co., 92 I. C. C. 675.

125. Rates on feldspar, in carloads, from points in Maine, New Hampshire, and Connecticut, to Trenton, N. J., found unreasonable and unduly prejudicial. Reasonable rates and minimum weights on crude and ground feldspar prescribed for the future. Reparation awarded.

Jones & Laughlin Ore Co. v. Director General, 92 I. C. C. 683.

126. Stock-pile spotting charges on iron-ore ranges in Minnesota, Michigan, and Wisconsin and rates on iron ore, in carloads, thence to vessels at Lake Superior and Lake Michigan docks during 1918, 1919, 1920, and 1921, found not unreasonable or otherwise unlawful. Complaint dismissed.

Duluth Boiler Works v. A., T. & S. F. Ry. Co., 92 I. C. C. 692.

127. Rates assessed on riveted steel pipe, in carloads, from Duluth, Minn., to Howells, Calif., found applicable and not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Oklahoma Traffic Asso. v. A., T. & S. F. Ry. Co., 92 I. C. C. 695.

128. Rates on shelled peanuts, in carloads, from certain points in Texas to Oklahoma City, Okla., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Freehold Lumber Co. v. C. & O. Ry. Co., 92 I. C. C. 699.

129. Rates on lumber, in carloads, from Flinn, Va., to certain destinations in central, trunk-line, and New England territories found not unreasonable, but unduly prejudicial. Undue prejudice ordered removed and reparation denied.

Ohio Quarries Co. v. N. Y. C. R. R. Co., 92 I. C. C. 703.

130. The Louisiana & Southern Railroad Company found to have been and to be a common carrier subject to the interstate commerce act.

131. Amount now paid to the Lorain & Southern by the New York Central for movement of all commodities, in carloads, between points on the Lorain & Southern and its interchange point with the New York Central, not shown to have been or to be unreasonable or otherwise unlawful.

132. Rates on stone and stone products, in carloads, on interstate shipments from South Amherst, Ohio, not shown to have been or to be unreasonable or otherwise unlawful. Complaint in No. 13665 dismissed.

Big Diamond Mills Co. v. C. G. W. R. R. Co., 92 I. C. C. 709.

133. Demurrage charges collected by defendant on cars held for unloading, where embargo occasioned by strike of defendant's employees prevented complainant from making outbound shipments to certain destinations, found not unreasonable or otherwise unlawful. Complaint dismissed.

Booth, Kelly Lumber Co. v. Director General, 92 I. C. C. 711.

134. Rates on saw logs, in carloads, shipped from Meredith to Springfield, Oreg., during Federal control found not unreasonable.

Evans v. C. & O. Ry. Co., 92 I. C. C. 713.

135. Fare exacted from complainant for transportation from Charleston, W. Va., to Cincinnati, Ohio, on March 21, 1922, found not unreasonable, unjustly discriminatory, unduly prejudicial, or otherwise in violation of the interstate commerce act. Complaint dismissed.

Douglas County, Nebr., v. A., T. & S. F. Ry. Co., 92 I. C. C. 717.

136. Shipment of one carload of fuel oil from Cushing, Okla., to Lawn switch, Omaha, Nebr., found to have been overcharged. Reparation awarded.

Pittsburg & Conneaut Dock Co., v. P. R. R. Co., 92 I. C. C. 719

137. Rates on coal, in carloads, from Leesburg, Pa., to Conneaut Harbor, Ohio, found to have been unreasonable. Reparation awarded.

Virginia Chamber of Commerce v. A. T. & S. F. Ry. Co., 92 I. C. C. 722.

138. Class rates from western trunk-line, central, and trunk-line territories to Virginia, Minn., found not unreasonable or unduly prejudicial.

139. Rates on various commodities, in carloads, from the Ohio River crossings, New Orleans, La., and points in western trunk-line, central, and trunk-line territories to Virginia found not unreasonable or unduly prejudicial. Complaint in No. 14361 (Sub-No. 1) dismissed.

140. Rates on dired fruit, coffee, canned goods and preserves, vegetables (fresh or green), deciduous and citrus fruits, cantaloupes, and melons, from California to Virginia, found unreasonable and unduly prejudicial to Virginia to the extent that they exceed the rates contemporaneously in effect to Duluth, Minn., which basis is prescribed for the future.

New Idea Spreader Co., v. Director General, 92 I. C. C. 742.

141. Following *West Cache Sugar Co. v. Director General*, 87 I. C. C. 368, complaint found not barred under Rule III (g) of the commission's Rules of Practice.

142. Rates on manure spreaders, in carloads, from Coldwater, Ohio, to destinations in Wisconsin found unreasonable, and reparation awarded.

Larabee Flour Mills Corp. v. Director General, 92 I. C. C. 745.

143. Charges collected on flour shipped from Hutchinson, Kans., to Los Angeles, Calif., during Federal control, found unreasonable. Reparation awarded.

Edlund Broom Corp. v. B. & M. R. R., 92 I. C. C. 749.

144. Rating and rates on the type of brooms manufactured and sold by complainants found not unreasonable. Complaint dismissed.

Buhner Fertilizer Co. v. B. & O. R. R. Co., 92 I. C. C. 756.

145. Rates on acid phosphate, in carloads, from Nashville, Tenn., to Seymour, Ind., found unreasonable. Reasonable rate prescribed and reparation awarded.

Illinois Coal Traffic Bureau v. A. & S. R. R. Co., 92 I. C. C. 759.

146. Rates on bituminous coal, in carloads, from mines in the southern Illinois, Danville, Murphysboro, Centralia, and DuQuoin districts in Illinois, to Omaha and South Omaha, Nebr., and Council Bluffs, Iowa, found unduly prejudicial but not unreasonable or unjustly discriminatory. Undue prejudice ordered removed.

Walsh & Weidner Boiler Co. v. Director General, 93 I. C. C. 1.

147. Reparation awarded because of an unreasonable rate charged December 15, 1919, for the transportation of one carload of boilers and fixtures from Chattanooga, Tenn., to Belhaven, N. C.

Rates, regulations, and practices of P. & P. U. Ry. Co., 93 I. C. C. 3.

148. The Peoria & Pekin Union found to be an independent common carrier entitled to assess charges for transportation services performed.

149. Switching charges, rates, and practices of the Peoria & Pekin Union at and in the vicinity of Peoria, Ill., found unjustly discriminatory and unduly prejudicial to the extent indicated in the report. General principles indicated for removing the unjust discrimination and undue prejudice found to exist.

150. Conference Ruling No. 341 overruled.

151. Former reports in No. 13110 and the investigation and suspension cases, 68 I. C. C., 412, and 77 I. C. C. 43.

Imported wool from Boston and New York, 93 I. C. C. 26.

152. Proposed increased rates on South American and Australian imported wool in the grease, in machine-compressed bales, in carloads, from Boston and Lowell, Mass., New London, Conn., and New York, N. Y., to La Porte and Mishawaka, Ind., found justified. Order of suspension vacated and proceeding discontinued.

Iron and steel articles in mixed carloads, 93 I. C. C. 31.

153. Proposed elimination of wire, nails, and staples from list of iron and steel articles, in carloads, from St. Louis, Mo., and other defined territories and from Shreveport, La., to Texas, Oklahoma, and New Mexico points, and between points in Texas on interstate traffic found not justified. Suspended schedules ordered canceled.

Worth Steel Co. v. Director General, 93 I. C. C. 37.

154. Rates on steel plates, in carloads, from Claymont, Del., to Lancaster, Steelton, York, Warren, and Oil City, Pa., found unreasonable. Reparation awarded. Original report, 87 I. C. C. 29, reversed.

Somerville Iron Works v. C. R. R. Co. of N. J., 93 I. C. C. 39.

155. Rules and regulations restricting delivery of cast-iron soil pipe, in carloads, at Piers 10, 11, 39, 46, and 81, North River, Manhattan Island, New York, found unreasonable.

New Mexico Corportion Commission v. A., T. & S. F. Ry. Co., 93 I. C. C. 43.

156. Minimum weights on alfalfa hay, applicable from points in the Pecos and Mesilla Valleys in New Mexico to points in Texas found unreasonable and unduly prejudicial to shippers in New Mexico as compared with minima applicable on the same commodity between points in Texas and to result in unjust discrimination against interstate commerce. Reasonable minima from New Mexico to Texas points found. Record held open for further action if any becomes necessary.

Pacific Adjustment Co. v. Director General, 93 I. C. C. 50.

157. Complaint, in which reparation is sought as for straight overcharges based upon alleged violations of the fourth section of the act dismissed.

Consolidated Coal Co. v. Director General, 93 I. C. C. 53.

158. Rates on coal, in carloads, from Mount Olive and Staunton, Ill., to West Pullman, Ill., in 1919, found not unreasonable or otherwise unlawful. Complaint dismissed.

Jackson Traffic Bureau v. A. & V. Ry. Co., 93 I. C. C. 55

159. Rate on furniture, in carloads, from Fort Smith, Ark., to Jackson, Miss., found to have been unreasonable and in violation of the long-and-short-haul provision of the fourth section. Reparation awarded.

Standard Lumber Co. v. Director General, 93 I. C. C. 58.

160. Transportation, demurrage, and penalty charges assessed on a carload of lumber shipped from Demopolis, Ala., to Louisville, Ky., and reconsigned to Bluefield, W. Va., found to have been in excess of the charges authorized by defendants' tariffs. Reparation awarded.

Liggett & Myers Tobacco Co. v. Director General, 93 I. C. C. 61.

161. Rates on plug tobacco, in carloads, and on notions, clock watches, cutlery not plated, cameras, silver-plated ware, clocks, and advertising paper fans, in less than carloads, from St. Louis, Mo., to San Francisco, Calif., for export to Manila, P. I., found unreasonable. Reparation awarded.

Goodpasture v. N., C. & St. L. Ry., 93 I. C. C. 65.

162. Charges collected on a shipment of corrugated boxes, knocked down, from Nashville, Tenn., to Houston, Tex., found illegal. Reparation awarded.

Schloss & Kahn Grocery Co. v. St. L.-S. F. Ry. Co., 93 I. C. C. 67.

163. Rate charged on a carload of sorghum seed from Kansas City, Mo., to Montgomery, Ala., found not unreasonable but inapplicable. Refund of overcharge required.

McClintick & Co. v. P. M. Ry. Co., 93 I. C. C. 69.

164. Carload of potatoes shipped from Sears, Mich., to Norton, Va., found misrouted. Reparation awarded.

Chattanooga Bottle & Glass Mfg. Co. v. S. Ry. Co., 93 I. C. C. 71.

165. Rate charged on one carload of tank or furnace blocks from Tallapoosa, Ga., to Alton Park, Tenn., found unreasonable. Reparation awarded and reasonable rate prescribed.

Leake & Goodlett v. St. L.-S. F. Ry. Co., 93 I. C. C. 73.

166. One carload of yellow-pine lumber from Tupelo, Miss., to Memphis, Tenn., found overcharged and reparation awarded.

Gentile Co. v. Amer. Ry. Exp. Co., 93 I. C. C. 76.

167. Rate charged on three carloads of cantaloupes shipped from Turlock, Calif., to New York, N. Y., and Boston, Mass., found unreasonable and unduly prejudicial. Reparation awarded and rates for the future prescribed.

Murray-Egan-McLeod Co. v. P. R. R. Co., 93 I. C. C. 79.

168. Class rate charged on a less-than-car-load shipment of iron-pipe fittings from Barberton, Ohio, to Duluth, Minn., destined to Virginia, Minn., found inapplicable. Refund of overcharge required.

Brick and clay products between W. T. L. Points, 93 I. C. C. 81.

169. Proposed reduced rates on articles in the general brick list from Mason City, Iowa, and other near-by points to Minnesota, Wisconsin, and Nebraska points found not to be unlawful. Orders of suspension vacated.

Barnett Oil & Gas Co. v. Director General 93 I. C. C. 85.

170. Upon further hearing, finding in original report, 59 I. C. C. 689, that the rate on crude petroleum, in tank-car loads, from Irvine and Beattyville, Ky., to Blue Island, Ill., was not unreasonable or unduly prejudicial, reversed. Reasonable rates prescribed, and reparation awarded.

Released rates on stone in the Southeast, 93 I. C. C. 90.

171. Applications for authority under paragraph (11), section 20, of the interstate commerce act to establish released rates on marble, granite, and other stone from, to, and within the Southeast, denied.

Great Western Paper Co. v. C. & E. I. Ry. Co., 93 I. C. C. 95.

172. Rates on bituminous coal, in carloads, from points in Illinois and western Kentucky to Ladysmith, Wis., found not unreasonable or unduly prejudicial. Complaint dismissed.

Campbell Construction Co. v. L. C. & S. E. Ry. Co., 93 I. C. C. 99.

173. Rates charged on sand and gravel, in carloads, from Winona, Minn., to Viroqua, Wis., found not unreasonable. Applicable rates found unreasonable. Waiver of undercharges authorized in part and complaints dismissed.

Levene's Sons v. D., L. & W. R. R. Co., 93 I. C. C. 103.

174. Shipments of used knapsacks, in carloads, from New York, N. Y., to Binghamton, N. Y., over an interstate route, during March, 1923, found to have been undercharged.

175. Rate on old rags, in cases, in carloads, from New York to Binghamton, over an interstate route, since March, 1923, found not unreasonable or in violation of the fourth section. Complaint dismissed.

Minnesota & Ontario Paper Co. v. Director General, 93 I. C. C. 105.

176. Rates on wet wood pulp, in carloads, from International Falls, Minn., to certain destinations in central territory found not unreasonable. Complaint dismissed.

Massachusetts Oil Refining Co. v. B. & A. R. R. Co., 93 I. C. C. 110.

177. Just, reasonable, and equitable divisions of joint rates established pursuant to our original findings herein, 66 I. C. C. 535, prescribed. Adjustment required upon the basis prescribed.

Athletic Mining & Smelting Co. v. K. C. S. Ry. Co., 93 I. C. C. 119.

178. Rates on zinc ore, in carloads, from points in Oklahoma on the Miami Mineral Belt and the Northeast Oklahoma Railroads, and from trunk-line and junction producing points in Missouri, Kansas, and Oklahoma, to South Fort Smith, Ark., found not unreasonable but unduly prejudicial. Nonprejudicial basis of rates from points on the Miami Mineral Belt and Northeast Oklahoma to South Fort Smith prescribed.

Armour Grain Co. v. A., T. & S. F. Ry. Co., 93 I. C. C. 124.

179. Following *Clay Grain Co. v. A., T. & S. F. Ry. Co.*, 78 I. C. C. 539, aggregate of line-haul rates and port switching charges at Galveston, Tex., on export wheat and other grains taking the same rates, in carloads, from points in Missouri, Iowa, Minnesota, Nebraska, Kansas, Colorado, and Oklahoma, found unreasonable. Reparation awarded.

180. Aggregate of line-haul rates and trackage charge at Texas City, Tex., on the same commodities from the same territory of origin, found unreasonable. Reparation awarded.

Flory Milling Co. v. C. N. E. Ry. Co., 93 I. C. C. 129.

181. Refusal of defendants to establish joint rates on grain and grain products from the West and South via Bangor, Pa., over through routes described, with milling in transit at that point, found contrary to the public interest and unreasonable. Refusal to establish other routes requested found not unreasonable.

Seaman Paper Co. v. Director General, 93 I. C. C. 139.

182. Rates on wrapping paper, in carloads, from International Falls, Minn., to Chicago, Ill., during Federal control found unreasonable. Reparation awarded.

Western Stoneware Co. v. C., B. & Q. R. R. Co., 93 I. C. C. 143.

183. Readjustment proposed by carriers found to result in rates on stoneware, in carloads, from Monmouth, Macomb, and Whitehall, Ill., to destinations in eastern Montana which will be reasonable and not unduly preferential or prejudicial. Complaint dismissed.

Sutphin Co. v. S. Ry. Co., 93 I. C. C. 147.

184. Rates on scrap paper, in machine-pressed bales, in carloads, from Atlanta, Inman yards, and Marietta, Ga., to Chattanooga, Tenn., found not unreasonable. Complaint dismissed.

Shanard Elevator Co. v. M. E. Ry. Co., 93 I. C. C. 151.

185. Failure of line-haul carriers to absorb switching charges at Minneapolis, Minn., of the Minneapolis Eastern and the Minneapolis Western on grain, in carloads, from five stations in South Dakota found not to have resulted in the payment by complainants of unreasonable transportation charges. No damage shown to have resulted from alleged unjust discrimination and undue prejudice. Complaints dismissed.

Fuller & Co. v. S. P. Co., 93 I. C. C. 154.

186. Rates charged on 31 cars of imported linseed oil, in tank cars, from San Francisco, Calif., to Los Angeles, Calif., from May 15 to December 2, 1922, found unreasonable, but not unduly prejudicial. Reparation awarded.

Hawkeye Fuel Co. v. S. & E. Ry. & P. Co., 93 I. C. C. 157.

187. Rate on fuel wood, in carloads, from certain Idaho points to Spokane, Wash., found not unreasonable. Complaint dismissed.

News-Capital Co. v. M., K. & T. Ry. Co., 93 I. C. C. 161.

188. Rates on newsprint paper, in rolls and bundles, in carloads, from Port Edwards and Ladysmith, Wis., International Falls, Minn., and Alexandria, Ind., to McAlester, Okla., found unreasonable. Reparation awarded.

Nebraska Cement Co. v. A., T. & S. F. Ry. Co., 93 I. C. C. 163.

189. Prayer for an order requiring the construction and operation of an interchange track between the intersecting lines of the Atchison, Topeka & Santa Fe and the Chicago, Rock Island & Pacific Railways at Courtland, Kans., denied.

American Asso. of Nurserymen v. Amer. Ry. Exp. Co., 93 I. C. C. 166.

190. First-class express rating and rates on trees not otherwise specified, and shrubs and branches thereof, found not unreasonable or unduly prejudicial. Complaint dismissed.

New Eng. Drawn Steel Co. v. Director General, 93 I. C. C. 171.

191. Rates charged on steel rods, in coils, in carloads, from Pittsburgh and Johnstown, Pa., from Buffalo, N. Y., and from points taking the same rates to Mansfield, Mass., found inapplicable. Reparation awarded.

Devine & Asselstine v. A. C. L. R. R. Co., 93 I. C. C. 174.

192. Rate for the transportation of grapefruit, in straight carloads or in mixed carloads with oranges, from Jacksonville, Fla., to Billings, Great Falls, Helena, and other Montana points taking the same rate found not unreasonable. Complaint dismissed.

Shearman Concrete Pipe Co. v. S. Ry. Co., 93 I. C. C. 179.

193. Rates on concrete sewer pipe, in carloads, from Knoxville, Tenn., to South Carolina points found not unreasonable, unjustly discriminatory, or unduly prejudicial, except the rate on two carloads to Oakley, S. C., which is found unreasonable. Reparation awarded.

Wright & Wimmer v. C., T. H. & S. E. Ry. Co., 93 I. C. C. 183.

194. Rates on bituminous coal, in carloads, over interstate routes from mines in the Linton and Clinton groups in Indiana to Marion, Kokomo, Elwood, Michigantown, and Warren, Ind., found not unreasonable or unduly prejudicial. Complaints dismissed.

Armour Fertilizer Works v. S. Ry. Co., 93 I. C. C. 186.

195. Shipments of ground limestone, in carloads, from Barber, Va. to Greensboro, N. C., found to have been overcharged. Defendants directed to refund overcharges to complainant, if it is entitled to receive them, and complaint dismissed.

International Agricultural Corp. v. A. & W. P. R. R. Co., 93 I. C. C. 189.

196. Assessment of demurrage charges on six private cars under lease while same were on tracks of the lessee found not unreasonable or otherwise unlawful. Complaint dismissed.

General Chemical Co. v. Director General, 93 I. C. C. 193.

197. Rate on ground fluorspar, in carloads, from Newell, Pa., to Camden, N. J., found not unjust or unreasonable. Complaint dismissed.

Wagner Motor Co. v. M. C. R. R. Co., 93 I. C. C. 195.

198. Rate on tractors, in carloads, from Detroit, Mich., to Mason City, Iowa, found not unreasonable, unjustly discriminatory, unduly prejudicial, or in violation of the fourth section. Complaint dismissed.

California Rand Silver, Inc. v. C. & W. Ry. Co., 93 I. C. C. 197.

199. Less-than-carload rates on solvent naphtha, a coal-tar product, from Minnequa, Colo., to Johannesburg, Calif., found not unreasonable or otherwise unlawful. Complaint dismissed.

Rodney Milling Co. v. M. P. R. R. Co., 93 I. C. C. 200.

200. Applicable rates on wheat, in carloads, shipped from various points in Kansas and Colorado to Atchison, Fort Leavenworth, and Leavenworth, Kans., and to St. Joseph, Mo., and milled in transit at Kansas City, Kans.-Mo., found unreasonable and unduly prejudicial. Reasonable rates prescribed for the future and reparation awarded on past shipments. Waiver of undercharges authorized.

Oklahoma Portland Cement Co. v. A., T. & S. F. Ry. Co., 93 I. C. C. 203.

201. Rates on steel grinding balls from Chrome, N. J., to Ada, Okla., found not unreasonable nor in violation of the aggregate-of-intermediates clause of the fourth section. Complaint dismissed.

Hale-Halsell Co. v. K., O. & G. Ry. Co., 93 I. C. C. 205.

202. Rate charged on one carload of toilet paper from Green Bay, Wis., to Muskogee, Okla., found unreasonable. Reparation awarded.

Lange & Crist Box & Lumber Co. v. B. & O. R. R. Co., 93 I. C. C. 207.

203. Rates on wire-bound box material, in carloads, applying via Clarksburg, W. Va., from origins on defendant's line in West Virginia to interstate destinations on its line, and defendant's failure to accord said commodity dressing-in-transit arrangements at Clarksburg, found unduly prejudicial. Undue prejudice ordered removed.

Brick between Oklahoma and Texas points, 93 I. C. C. 210.

204. Proposed schedules changing the basis for computing distance for the application of rates on brick between Oklahoma and Texas and between Oklahoma and Arkansas, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Southland Cotton Oil Co. v M., K. & T. Ry. Co., 93 I. C. C. 213.

205. Rate on steel tanks, knocked down, in carloads, from Hopewell, Va., to Oklahoma City, Okla., found unreasonable. Reparation awarded.

W. Va. Rail Co. v. P. R. R. Co., 93 I. C. C. 216.

206. Rates on steel billets from South Kearney, N. J., Baltimore, Md., and Philadelphia, Pa., to Huntington, W. Va., found not unreasonable or unduly prejudicial. Complaint dismissed.

Miami Copper Co. v. A. E. R. R. Co., 93 I. C. C. 221.

297. Rate charged between August 10 and September 22, 1921, inclusive, on numerous tank-car loads of crude and fuel oils from Gainesville, Tex., to Miami, Ariz., found not unreasonable. Complaint dismissed.

Pressed Steel Car Co. v. Director General, 93 I. C. C. 224.

208. Rates to and from points of unloading and loading at complainant's plants at McKees Rocks and Allegheny, Pa., found not to have been unreasonable. No damage to complainant shown from any undue prejudice which may have existed. Complaint dismissed.

American Steel Export Co. v. Director General, 93 I. C. C. 235.

209. Demurrage and storage charges assessed, but not paid, at the port of San Francisco, Calif., on iron and steel articles, in carloads, shipped on through export bills of lading from certain points in the United States east of the Mississippi River to Java, found inapplicable.

Universal Oil Co. v. Director General, 93 I. C. C. 237.

210. Rate of \$1.75 per 100 pounds charged on three carloads of imported shelled peanuts moved during the period of Federal control from San Francisco, Calif., to Wilmington, N. C., found not unreasonable. Complaint dismissed.

Anderson Commission Co. v. C., R. I. & P. Ry. Co., 93 I. C. C. 241.

211. Rates on cabbage, in bulk, in carloads, from East Grand Forks, Minn., to Topeka, Kans., found not to have been unreasonable and not to be unreasonable or unduly prejudicial. Complainant found not to have been damaged by reason of any undue prejudice that may have existed. Complaint dismissed.

Hayward Bros. Shoe Co. v. C., M. & St. P. Ry. Co., 93 I. C. C. 243.

212. Upon further consideration, rate charged on rubber arctics, in carloads, from Seattle, Wash., to Omaha, Nebr., found unreasonable. Original report, 83 I. C. C. 525. Reparation awarded.

Norwich Pharmacal Co. v. B. & O. R. R. Co., 93 I. C. C. 246.

213. Interstate rate on drugs and medicines, in carloads, from Norwich, N. Y., to New York, N. Y., found unduly prejudicial but not unreasonable or unjustly discriminatory. Undue prejudice ordered removed. Complainant not shown to have been damaged by the undue prejudice, and reparation denied.

Haarmann Vinegar & Pickle Co. v. C., B. & Q. R. R. Co., 93 I. C. C. 251.

214. Rates on cucumbers in brine, in bulk, in barrels, in carloads, and in tank cars, from Blytheville, Ark., to Omaha, Nebr., found to have been and to be unreasonable. Reasonable rates prescribed and reparation awarded.

American Hominy Co. v. Director General, 93 I. C. C. 256.

215. Switching charges collected on intrastate carload shipments at Terre Haute, Ind., during Federal control, found not unlawful or otherwise in violation of the interstate commerce act, except where overcharges resulted from failure to deduct absorption provided for in tariffs of road-haul carriers.

California Cotton & Factorage Co. v. Director General, 93 I. C. C. 260.

216. Shipment of cotton from Blythe, Calif., to Galveston, Tex., during Federal control, found overcharged. Reparation awarded.

Junk in W. T. L. territory, 93 I. C. C. 263.

217. Proposed 50,000-pound minimum on junk, in mixed carloads, found not justified. Suspended schedules ordered canceled without prejudice to the filing of the same rates based upon a minimum of 36,000 pounds.

American Hide & Leather Co. v. Director General, 93 I. C. C. 265.

218. Rate on tanbark, in carloads, from Ross Spur (Wild Cat Spur), Wis., to Sheboygan, Wis., during Federal control, found not unreasonable. Complaint dismissed.

Houston Cotton Exch. v. A. & A. R. R. Corp., 93 I. C. C. 268.

219. The commission has power to establish through routes and to prescribe maximum rail-and-water and rail-water-and-rail rates on cotton from Oklahoma points to points in New England territory. Findings in original report, 87 I. C. C. 392, affirmed.

Toledo Cooker Co. v. N. & A. Ry. Co., 93 I. C. C. 271.

220. Rates applicable on soapstone disks, loose, in carloads, from Schuyler and Tye River, Va., to Toledo, Ohio, and Muncie, Ind., found unreasonable. Maximum reasonable rates prescribed for the future and reparation awarded.

Cotton v. M. & R. R. Ry. Co., 93 I. C. C. 275.

221. Rate on lumber, in carloads, from Big Fork, Minn., to Horicon, Wis., found not unreasonable. Complaint dismissed.

Standard Oil Co. v. Director General, 93 I. C. C. 278.

222. Rate on gasoline, in carloads, from Salt Lake City, Utah, to Baker, Oreg., found unreasonable to the extent that it exceeded the aggregate of intermediate rates. Reparation awarded.

Combination rule on lumber, 93 I. C. C. 279.

223. Proposed restriction of combination rule in connection with rates on lumber and other forest products from Ohio and Mississippi River crossings. Chicago, Ill., and related points, to destinations in central and western trunk-line territories, when used as factors of combination rates, found not justified. Suspended schedules ordered canceled.

Eastbound rates on insulators, 93 I. C. C. 282.

224. Proposed reduced rate on insulators from Emeryville, Calif., and other western points to transcontinental rate Groups F to J, inclusive, found justified. Order of suspension vacated and proceeding discontinued.

Standard Boiler & Plate Iron Co. v. P. R. R. Co., 93 I. C. C. 285.

225. Rates on iron and steel articles, in carloads, from Niles, Ohio, to Mexia, Tex., found not unreasonable. Complaint dismissed.

Coastwise Lumber & Supply Co. v. P. R. R. Co., 93 I. C. C. 288.

226. Storage and demurrage charges collected or collectible on lumber at points in New York Harbor, found not unlawful, unreasonable, unjustly discriminatory, or unduly prejudicial.

227. Stringpiece delivery of lumber from floating equipment of defendant to private piers, defined. Present tariff provision therefor required to be modified.

Sisal Sales Corp. v. B. & O. R. R. Co., 93 I. C. C. 297.

228. Rates on sisal, in carloads, from Indianapolis, Ind., to certain points in central territory, western New York, and Ontario, Canada, found not unreasonable. Complaint dismissed.

Nebraska Bridge Supply & Lumber Co. v. A., T. & S. F. Ry., Co., 93 I. C. C. 301.

229. Rate on lumber, in carloads, from Lonoke, Ark., to Nowata, Okla., over a circuitous route, found not unreasonable or otherwise unlawful. Complaint dismissed.

Dickerson v. Director General, 93 I. C. C. 304.

230. Rates on livestock, in carloads, between points in Oregon, Idaho, Washington, Utah, and Montana, found not unreasonable or otherwise unlawful. Complaint dismissed.

Carpenter v. C. V. Ry. Co., 93 I. C. C. 309.

231. Rate charged on a carload of granite monuments from Northfield, Vt., to Anderson, Ind., found not applicable. Reparation awarded.

Dewey Portland Cement Co. v. A., T., & S. F. Ry. Co., 93 I. C. C. 311.

232. Rate on imported flint pebbles, in carloads, from New Orleans, La., to Dewey, Okla., found unreasonable. Reparation awarded.

Cement plaster from Pyramid and Sweetwater, Tex., 93 I. C. C. 315.

233. Proposed cancellation of joint commodity rates on cement plaster, in carloads, from Pyramid and Sweetwater, Tex., to destinations in Arkansas, Louisiana, Missouri, and Illinois on the St. Louis Southwestern Railway, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Glass bottles from Chattanooga, 93 I. C. C. 317.

234. Proposed increased rates on glass bottles, in carloads, from Chattanooga, Tenn., to Memphis, Tenn., found justified. Order of suspension vacated and proceeding discontinued.

Jackson Traffic Bureau v. A. & V. Ry. Co., 93 I. C. C. 322.

235. Rates on rice bran from Wheatley, Ark., to Jackson and Meridian, Miss., found unreasonable and in violation of the fourth section. Reasonable rate prescribed for the future, and reparation awarded.

Hudson Mule Co. v. L. & N. R. R. Co., 93 I. C. C. 325.

236. On further hearing reparation awarded on additional shipments of horses and mules, in carloads, from and to numerous points in various States during the period from May 9, 1919, to May 15, 1923, inclusive. Previous reports, 63 I. C. C. 6; 74 I. C. C. 419.

Gentile Bros. Co. v. C. of G. Ry Co., 93 I. C. C. 328.

237. Rate on peaches, in carloads, from Fort Valley, Ga., to Watuppa, Mass., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

238. Fourth-section relief denied.

Humble Oil & Refg. Co. v. N. Y. C. R. R. Co., 93 I. C. C. 331.

239. Two carloads of steel plates shipped from Alliance, Ohio, to Baytown, Tex., reconsigned from Ranger, Tex., found to have been overcharged and misrouted. Reparation awarded.

Southwestern Shipbuilding Co. v. Director General, 93 I. C. C. 337.

240. Shipments of decomposed granite from Pacoima, Calif., to East San Pedro, Calif., found overcharged. Reparation awarded.

Jackson Traffic Bureau v. A., C. & Y. Ry. Co., 93 I. C. C. 339.

241. Certain commodity rates from central territory to Jackson, Miss., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Jackson Traffic Bureau v. B. & O. R. R. Co., 93 I. C. C. 342.

242. Rates on common pottery insulators, in barrels, in carloads, from East Liverpool, Ohio, to Jackson, Miss., found not unreasonable or otherwise unlawful. Complaint dismissed.

Levene's Sons v. D., L. & W. R. R. Co., 93 I. C. C. 344.

243. Rate charged on scrap brass, in carloads, from Binghamton, N. Y., to Philadelphia, Pa., since April, 1923, found to have been unreasonable. Reparation awarded.

Kaw River Sand & Material Co. v. Director General, 93 I. C. C. 346.

244. Rates on sand, in carloads, from Turner, Kans., to Bolivar and Cabool, Mo., found unreasonable, and to Galloway and Cassidy, Mo., not unreasonable.

New York Stable Manure Co. v. Director General, 93 I. C. C. 349.

245. Rates on stable manure from Jersey City, N. J., to destinations in New Jersey, Pennsylvania, Delaware, Maryland, and Virginia found not unreasonable or unduly prejudicial. Complaint dismissed.

San Antonio Paper Co. v. S. A. & A. P. Ry. Co., 93 I. C. C. 352.

246. Rates on newsprint paper, wrapping paper, and paper napkins, in carloads, from Little Falls, Minn., and Port Edwards, Nekoosa, Rhinelander, and Green Bay, Wis., to San Antonio, Tex., between October, 1921, and June, 1922, inclusive, found unreasonable. Reparation awarded.

Cullum & Boren Co. v. C., B. & Q. R. R. Co., 93 I. C. C. 354.

247. Rate charged on one carload of earthenware jugs, insulated and metal jacketed, from Macomb, Ill., to Dallas, Tex., found unreasonable. Reparation awarded.

Gilmore Co. v. P. E. Ry. Co., 93 I. C. C. 357.

248. Rate assessed on a tank-car load of petroleum fuel oil shipped from Loftus, Calif., to Bisbee, Ariz., found inapplicable and applicable rate found unreasonable. Waiver of undercharges authorized and reparation awarded.

Armour & Co. v. L. & N. R. R. Co., 93 I. C. C. 360.

249. Rates on canned meats, in carloads, from Atlanta, Ga., to Chicago, Ill., found not unreasonable. Complaint dismissed.

Peytona Lumber Co. v. C. & O. Ry. Co., 93 I. C. C. 363.

250. Rates on lumber, in carloads, from points in Group 12 on the Guyandotte branch of the Chesapeake & Ohio in West Virginia to destinations in central territory and in Canada found not unreasonable or unduly prejudicial. Complaint dismissed.

Becker County, Minn. v. Director General, 93 I. C. C. 368.

251. Charges, based upon estimated weights, assessed on gravel, in carloads, shipped from Detroit, Minn., to Lake Park, Minn., during Federal control, not shown to have been inapplicable.

252. Complaint that those charges were unreasonable found barred and dismissed.

Edwards Construction Co. v. J., L. C. & E. R. R. Co., 93 I. C. C. 370.

253. Rates on crushed stone, in carloads, from Cape Girardeau, Mo., to Bowman, Ark., found unreasonable. Reparation awarded. Waiver of undercharges authorized.

Continental File Co. v. P., C., C. & St. L. Ry. Co., 93 I. C. C. 373.

254. Application of the existing classification ratings on steel files, less than carloads, to shipments of used or worn files from various points in the three classification territories to Anderson, Ind., found not unreasonable or otherwise unlawful. Complaint dismissed.

Royal Milling Co. v. Director General, 93 I. C. C. 377.

255. Rate on wheat, in carloads, from points in western Nebraska to Great Falls, Mont., found not unreasonable. Complaint dismissed.

News Corp. v. M. P. R. R. Co., 93 I. C. C. 381.

256. Rate on newsprint paper, in carloads, from Sault Ste. Marie, Ontario, Canada, to St. Joseph, Mo., found not unreasonable. Complaints dismissed.

Dyer Fruit Box Mfg. Co. v. B. & O. R. R. Co., 93 I. C. C. 386.

257. Charges collected on poultry crates, in carloads, from Dyer, Tenn., to Cincinnati, Ohio, during August, September, and October, 1920, found legally applicable. Complaint dismissed.

Flowers & Stell v. N. S. R. R. Co., 93 I. C. C. 388.

258. Rate on cotton shirt forms, in less than carloads, from Baltimore, Md., to Washington, N. C., found not unreasonable. Complaint dismissed.

Dawson Produce Co. v. Amer. Ry. Exp. Co., 93 I. C. C. 390.

259. Rates and refrigeration charges on strawberries, in carloads, by express, from points in Louisiana to destinations in Oklahoma, Kansas, and Missouri, found not unreasonable. Complaint dismissed.

Commodity rates from Southwestern points, 93 I. C. C. 394.

260. Proposed increased rates on cotton piece goods, any quantity, and on junk and scrap iron, in carloads from Texas, Louisiana, and Oklahoma points to St. Louis, Mo., and other points in defined territories, and on oyster shells, in carloads, from Memphis, Tenn., to Missouri and Kansas points, found not justified. Order entered accordingly.

Indian Packing Corp. v. Director General, 93 I. C. C. 400.

261. Upon further hearing in Docket No. 11130, findings in original report, 64 I. C. C. 205, modified.

262. Official classification ratings on peanut butter; butter, sugar or corn sirup and sugar combined; comb or strained honey; honey and sugar mixtures; olive oil; ground spices; and vinegar, in glass, packed in barrels or boxes; in less than carloads, found not unreasonable.

263. Official classification ratings on various other food products, in glass, packed in barrels or boxes, in less than carloads, found unreasonable to the extent that they are higher than the first-numbered class above the less-than-carload ratings applicable to the same articles when in metal cans, packed in barrels or boxes.

Intermediate routing on transcontinental traffic, 93 I. C. C. 411.

264. On further hearing of *Intermediate Routing*, 81 I. C. C. 272, restriction by Great Northern of routing of corn, in carloads, from defined territory in South Dakota over its own lines from Aberdeen, S. Dak., to Montana, Idaho,

Washington, and Oregon destinations found not justified. Applicable tariff items ordered canceled. Former report modified accordingly.

265. Carload shipments of corn from defined territory in South Dakota to certain western destinations, principally in the State of Washington, found to have been overcharged. Reparation awarded.

United Commercial Co. v. S. P. Co., 93 I. C. C. 417.

266. Defendants found not liable in damages in connection with complainant's order for a diversion of shipments, its subsequent cancellation thereof, and defendants' later forwarding of the shipments from the point of interception to original billed destination instead of holding them for further orders from complainant. Complaint dismissed.

Coal from C. & O. Ry. stations, 93 I. C. C. 423.

267. Proposed increased rates on coal from Chesapeake & Ohio Railway stations in West Virginia found not justified. Suspended schedules ordered canceled.

Winters Metallic Paint Co. v. C., M. & St. P. Ry. Co., 93 I. C. C. 427.

268. Rates on ground iron ore, from Neda, Wis., to various interstate destinations found not unreasonable or otherwise unlawful. Complaints dismissed.

Gulf Coast Citrus Exch. v. L. & N. R. R. Co., 93 I. C. C. 432.

269. Rates on oranges, in carloads, from Grand Bay, Irvington, Bay Minette, Loxley, Silver Hill, and Foley, Ala., to destinations in central and western territories found unreasonable. Reparation awarded.

Mississippi R. R. Commission v. A. & V. Ry. Co., 93 I. C. C. 435.

270. Rates on grain and grain products, in carloads, from interior points in Texas, Oklahoma, Kansas, Nebraska, Colorado, Iowa, Minnesota, Indiana, Illinois, and Missouri, and reshipping rates on the same commodities from reshipping points in the States named to points in Mississippi, found not unreasonable.

271. Maintenance of reshipping rates to and from Memphis, Tenn., without contemporaneously maintaining reshipping rates to and from Mississippi points, found not unduly prejudicial; but complainants found to be subjected to undue prejudice in so far as the rules, regulations, and practices under which grain or its products may be stopped at Memphis for milling, storing, or other transit services and later reforwarded at less than the sums of the local rates to and from Memphis, are more favorable than the rules, regulations, and practices under which transit service is accorded at Mississippi points.

Musto Sons-Keenan Co. v. S. P. Co., 93 I. C. C. 447.

272. Charges collected on two carloads of crushed marble from Los Angeles, Calif., to Fort Bliss, Tex., found unreasonable. Reparation awarded.

Classification of blasting powder, 93 I. C. C. 451.

273. Proposed increased rating on common black blasting powder, in carloads, from Fairchance and Evans, Pa., and Rita, W. Va., found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules in conformity with the findings.

Cotton, cotton linters, and regins to eastern cities, 93 I. C. C. 453.

274. Proposed increased rates on cotton and cotton regins, uncompressed, any quantity, with privilege to carriers of compressing, and on cotton linters, uncompressed, in less than carloads, with privilege to carriers of compressing, from Cairo, Brookport, Gale, and Thebes, Ill., to eastern points found not justified. Schedules ordered canceled.

Helena Traffic Bureau v. M. P. R. R. Co., 93 I. C. C. 456.

275. Findings in original report, 89 I. C. C. 405, modified in certain respects.

Combination rule on livestock, 93 I. C. C. 458.

276. Restriction of application of so-called Kelly combination rule in cases of carload shipments of livestock upon combination rates, proposed in tariffs filed by respondent carriers in central territory, which would result in increased charges in some instances, found not justified. Suspended schedules ordered canceled, without prejudice to the filing of schedules which will appropriately relieve respondents of deductions not properly applicable to their own separately established rates.

Mileage for Mississippi River crossings, 93 I. C. C. 462.

277. The addition for the service of crossing the Mississippi River of 20 constructive miles to distances from west-bank points in determining charges for the transportation of articles taking class or commodity rates, computed on interstate distance class and commodity scales to and from Vicksburg and Natchez, Miss., Angola, North Baton Rouge, Harahan, and New Orleans, La., found unreasonable. Reasonable ferry tolls for the river transfer service at such crossings, applicable in connection with such distance rates, prescribed for the future.

Horse and mule rates in the Southwest, 93 I. C. C. 479.

278. Rates on horses and mules, in carloads, between Fort Worth, Tex., and points in Kansas and Missouri found not unreasonable in the past except that through rates higher than the aggregate of intermediate rates found to that extent unreasonable. Reparation awarded.

279. Rates on horses and mules, in carloads, between Fort Worth, Tex., and points in Arkansas, Kansas, Oklahoma, western Louisiana, southern Missouri, portions of Colorado and New Mexico, and in Texas other than in differential territory found unreasonable for the future, and rates on such traffic between Fort Worth and points in New Mexico, Texas differential territory and in the territory first described found unduly prejudicial for the future.

280. Upon consideration of *Wichita Board of Commerce v. Director General*, 60 I. C. C. 536, *Horses and Mules from Kansas City, Mo.*, 69 I. C. C. 97, and *Kansas City Chamber of Commerce v. A. & W. Ry. Co.*, 89 I. C. C. 22, previous findings modified by finding the rates on horses and mules, in carloads, from Wichita, Kans., and Kansas City, Mo., to destinations in Arkansas and in certain portions of Louisiana and Texas unreasonable and unduly prejudicial for the future.

281. Reasonable bases of rates prescribed and undue prejudice ordered removed.

282. Fourth-section relief granted defendants and respondents to apply over all routes between Fort Worth, Tex., Wichita, Kans., Kansas City, St. Joseph, and St. Louis, Mo., and Oklahoma City, Okla., and points in the territory considered herein the lowest rate available over any route under the scales prescribed, and to maintain rates at intermediate points not exceeding the rates named in the aforesaid scales, under the conditions set forth in the report. Other fourth-section relief denied.

Iron and steel between New Jersey and New England points, 93 I. C. C. 499.

283. Proposed increased rates on iron and steel articles, in carloads and less than carloads, between Newark, N. J., and points grouped therewith, and New England points found not justified. Suspended schedules ordered canceled.

Lumber and shingles to southern points, 93 I. C. C. 501.

284. Proposed joint rates on cedar lumber and cedar shingles from north Pacific coast points to southern points found not justified. Suspended schedules ordered canceled without prejudice, and proceeding discontinued.

Board of County Commissioners of Crawford County, Kans. v. St. L.-S. F. Ry. Co., 93 I. C. C. 502.

285. Rates on broken stone or chatts from Joplin, Webb City, and Oronogo, Mo., to destinations in Crawford County, Kans., over the Missouri Pacific, found unreasonable. Reasonable rates prescribed for the future. Reparation denied.

Parlor Frame Mfrs.' Asso. v. A. A. R. R. Co., 93 I. C. C. 506.

286. Less-than-carload ratings on set-up wooden chair and lounge frames, when in boxes, crates, bundles, or loose, in western and southern classifications, and when loose or in bundles in official classification, found not unreasonable or otherwise unlawful. Carload rating on such frames, loose or in packages, in official classification found not unreasonable or otherwise unlawful.

287. Less-than-carload rating on set-up wooden chair and lounge frames, in boxes or crates, in official classification found unreasonable, and reasonable rating of two and one-half times first class prescribed.

Bradley & Woertz v. N., C. & St. L. Ry., 93 I. C. C. 512.

288. Rates on empty returned beverage containers, in carloads, from Atlanta, Ga., to Evansville, Ind., and Milwaukee, Wis., found unreasonable. Certain shipments found overcharged. Reparation awarded.

Stuttgart Rice Mill Co. v. A. & V. Ry. Co., 93 I. C. C. 517.

289. Rates on clean rice, in carloads, from milling points in Arkansas to certain destinations in central, southern, and western territories found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates and bases prescribed.

290. Rates on clean rice, in carloads, from the same points to western termini of trunk-line territory found not unreasonable, but unduly prejudicial. Undue prejudice ordered removed.

291. Rates on clean rice, in carloads, from the same points to points in Oklahoma found not unreasonable or unduly prejudicial.

Peaches to eastern points, 93 I. C. C. 534.

292. Proposed cancellation of route, in connection with the Southern Railway on peaches, in carloads, under joint commodity rates from points in Georgia and Alabama and from Chattanooga, Tenn., to trunk-line, New England, and Buffalo-Pittsburgh territories, and to Canada, which would result in increased rates over that route, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Huber v. C. R. R. Co. of N. J., 93 I. C. C. 539.

293. Rate on petroleum oil, in tank cars, from Bayonne, N. J., to Brooklyn, N. Y., found not unreasonable or otherwise unlawful. Complaint dismissed.

Rutenber Electric Co. v. C., C. & St. L. Ry. Co., 93 I. C. C. 541.

294. Rates on electrical heating and cooking appliances, in carloads, in September and October, 1921, from Marion, Ind., to San Francisco, Calif., found not to have been unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Chevrolet Motor Co. v. Director General, 93 I. C. C. 544.

295. Rates charged on shipments of imitation leather, in car lots, between November 24, 1917, and February 7, 1920, from Fairfield, Conn., and Newburgh, N. Y., to Oakland (Melrose), Calif., found unreasonable. Reparation awarded.

Delta Beet Sugar Corp. v. Director General, 93 I. C. C. 547.

296. Rate charged on petroleum coke, in carloads, from Casper, Wyo., to Delta, Utah, found inapplicable. Applicable rate found unreasonable. Reparation awarded.

Delta Beet Sugar Corp. v. Director General, 93 I. C. C. 551.

297. Rate on coke, in carloads, from Segundo, Colo., to Delta, Utah, found unreasonable. Reparation awarded.

Fletcher-Wilson Coffee Co. v. L. & N. R. R. Co., 93 I. C. C. 555.

298. Rate on green coffee, in carloads, from New Orleans, La., to Montgomery, Ala., found not unreasonable. Complaint dismissed.

Paper boxes between S. E. points, 93 I. C. C. 559.

299. Proposed rates on paper boxes, in carloads, between points in the Southeast, found justified, except as indicated. Suspended schedules ordered canceled without prejudice to the filing of schedules in conformity with the findings herein.

Coke to Cincinnati, 93 I. C. C. 572.

300. Proposed increased rates on coke, in carloads, from points in southwestern Virginia, Benham, Ky., LaFollette and Chattanooga, Tenn., to Cincinnati, Ohio, and certain points in the vicinity thereof, and to Maysville, Ky., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Lafayette Box Board & Paper Co. v. C., C. & St. L. Ry. Co., 93 I. C. C. 579.

301. Rate on bituminous coal, in carloads, from Harrisburg, Ill., to LaFayette, Ind., from October, 1922, to June, 1923, inclusive, found not to have been or to be unreasonable. Complaint dismissed.

Omaha Chamber of Commerce v. A., B. & A. Ry. Co., 93 I. C. C. 583.

302. Rates on grapefruit, in straight carloads, and in mixed carloads with oranges, from points in Florida to Omaha, Nebr., found not unreasonable and, except in one instance, not in violation of the fourth section. Complaint dismissed.

Shotwell Mfg. Co. v. C. & N. W. Ry. Co., 93 I. C. C. 587.

303. Rate on pop corn, in carloads, from Arthur, Iowa, to Chicago, Ill., found not unreasonable, but unduly prejudicial. No damage shown to have resulted from the undue prejudice. Complaint dismissed.

Bergstrom Paper Co. v. Director General, 93 I. C. C. 591.

304. Carload of clay from Langley, S. C., to Neenah, Wis., found to have been misrouted. Reparation awarded.

Louisville Cooperage Co. v. L. & N. R. R. Co., 93 I. C. C. 593.

305. Rate on rough staves and headings, in carloads, from Bonita, La., to Louisville, Ky., found not unreasonable or otherwise unlawful. Complaint dismissed.

Hansen-Peterson Co. v. A., T. & S. F. Ry. Co., 93 I. C. C. 596.

306. Rates on oranges, in carloads, from points in California to Virginia, Minn., found unreasonable. Reasonable rates prescribed for the future. Reparation awarded.

Pioneer Pearl Button Co. v. St. L.-S. F. Ry. Co., 93 I. C. C. 599.

307. Rates on mussel shells, in carloads, shipped from Marked Tree, Pochontas, and Clarendon, Ark., to Oswego, Kans., found unreasonable. Reparation awarded.

La Crosse Chamber of Commerce v. Director General, 93 I. C. C. 602.

308. Rates on empty returned beer packages, in carloads and less than carloads, from eastern points to La Crosse, Wis., during the period of Federal control, found unreasonable to the extent that they exceeded the aggregate of the intermediate rates. Reparation awarded.

Oklahoma Portland Cement Co. v. A. S. Ry. Co., 93 I. C. C. 605.

309. Rates on empty returned cement bags and sacks from Texas points to Ada, Okla., found unreasonable and unduly prejudicial. Reasonable basis prescribed.

Nelson-Kirkwood v. C., M. & St. P. Ry. Co., 93 I. C. C. 607.

310. Rate on returned paper-winding cores, in carloads, from Kansas City, Mo., to Wisconsin Rapids, Wis., found unreasonable. Reparation awarded.

Wharfage, handling, and storage at South Atlantic and Gulf ports, 93 I. C. C. 609.

311. The scope of this proceeding enlarged to include all Atlantic and Gulf ports instead of south Atlantic and Gulf ports as at present.

312. Combined wharfage and handling charge on kerosene, in cases, at New Orleans, La., found unreasonable.

Combination rates on lumber, 93 I. C. C. 614.

313. Former report, 81 I. C. C. 745, in which proposed cancellation of combination rule for constructing combination rates on lumber between southern points and Ohio and Mississippi River crossings, and proposed restriction of routing over Atlantic Coast Line from southern points to Virginia gateways were found not justified, affirmed upon reargument.

Lime from eastern trunk-line points, 93 I. C. C. 617.

314. Proposed increased rates on lime, in carloads, from points in eastern trunk-line territory to destinations in 60 and 67 per cent territories found not justified. Suspended schedules ordered canceled, without prejudice to establishment of rates on basis approved herein.

315. Findings in *Lehigh Lime Co. v. A., C. & Y. Ry. Co.*, 85 I. C. C. 341, modified in part, and an adjustment of rates in accordance with such modified findings prescribed.

Wichita Motors Co. v. A. & V. Ry. Co., 93 I. C. C. 635.

316. Former report, 88 I. C. C. 152, finding rates on self-propelling freight vehicles, in carloads, from Wichita, Falls, Tex. and Oklahoma City, Okla. to Galveston, Tex., and New Orleans, La., for export, not unreasonable but unduly prejudicial affirmed. Original order made effective.

Jones & Laughlin Steel Co. v. P. & L. E. R. R. Co., 93 I. C. C. 637.

317. Reparation awarded to complainants and interveners in respect of interstate carload shipments made during the period from April 1, 1914, to April 14,

1915, both dates, inclusive, on which complainants and interveners paid the charges of the Monongahela Connecting Railroad Company, the South Buffalo Railway Company, and Union Railroad Company in addition to the district rates of their trunk-line connections.

Handling charges on cement, fertilizers, and salt, 93 I. C. C. 640.

318. Proposed reduced charges for handling fertilizer, fertilizer materials, cement, and salt at south Atlantic and certain Gulf ports found justified.

319. Proposed change in rule defining the service of handling at south Atlantic and certain Gulf ports found justified.

320. Orders of suspension vacated and proceedings discontinued.

Construction and repair of railway equipment, 93 I. C. C. 646.

321. Upon investigation, found—

That the cost of repairs to locomotives and cars of the respondent, Erie Railroad Company, at outside shops during 1920, 1921, 1922, and 1923, was greatly in excess of the cost of similar work in respondent's own shops.

322. That a large part of such excess cost was an unreasonable expenditure for maintenance of equipment, and not in the interest of efficient and economical management as required by section 15a of the act.

Milne Lumber Co. v C., C., C. & St. L. Ry. Co., 93 I. C. C. 661.

323. Demurrage charges collected for detention of one car of yellow-pine lumber at Cleveland, Ohio, found illegal. Reparation awarded.

Forrester-Nace Box Co. v. Director General, 93 I. C. C. 665.

324. Rate on empty wooden boxes from Kansas City, Mo., to Carl Junction, Mo., during Federal control, found not unreasonable; and no damage shown to have resulted from the alleged departure from the long-and-short-haul provision of section 4 of the interstate commerce act. Complaint dismissed.

Parkersburg Rig & Reel Co. v. M. P. R. R. Co., 93 I. C. C. 667.

325. Rates on fabricated steel tank material, in carloads from Haynesville, La., to El Dorado and Smackover, Ark., and from Couchwood, La., to Smackover, found unreasonable. Reparation awarded.

Carboys, returned empty, in western territory, 93 I. C. C. 672.

326. Proposed increased rating on acid carboys, returned empty, from and to points in western trunk-line territory found justified. Order of suspension vacated and proceeding discontinued.

Christie & Eastern Railway Co. v. K. C. S. Ry. Co., 93 I. C. C. 675.

327. Divisions and allowances accorded the Christie & Eastern Railway Company by its trunk-line connections out of the joint interstate rates on lumber and forest products not shown to have been or to be unjust, unreasonable, inequitable, or otherwise unlawful. Complaint dismissed.

Pearson & Co. v. St. L., B. & M. Ry. Co., 93 I. C. C. 681.

328. Rates on munition lint, in carloads, from Brownsville, Bellville, and La Grange, Tex., to Des Moines and Dubuque, Iowa, found unreasonable. Reparation awarded.

Fairmont Creamery Co. v. Amer. Ry. Exp. Co., 93 I. C. C. 684.

329. Rates on cream, in 10-gallon cans, shipped by express from Albion and Dallas Center, Iowa, to Omaha, Nebr., found unreasonable. Reparation awarded.

Sexauer & Son v. Director General, 93 I. C. C. 687.

330. Complaints asking for reparation on two carloads of coal shipped during Federal control from Zeigler, Ill., to Agar, S. Dak., and reconsigned en route, found barred by the statute of limitations. Complaints dismissed.

United Cycle & Supply Co. v. B. & O. R. R. Co., 93 I. C. C. 689.

331. Rate charged on bicycles, in carloads, from Middletown, Ohio, to Los Angeles, Calif., found applicable. Complaint dismissed.

Texas Co. v. A., T. & S. F. Ry. Co., 93 I. C. C. 691.

332. Rate applicable on gasoline and kerosene, in tank-car loads, from Tulsa, Okla., to Clayton, N. Mex., via Pueblo, Colo., found to have been unreasonable. Waiver of undercharges authorized and complaint dismissed.

Cleveland Ahron Bag Co. v. W. & L. E. Ry. Co., 93 I. C. C. 694.

333. Reparation awarded on two carloads of woven paper fabric bags shipped in February, 1922, from Cleveland, Ohio, to San Francisco and Los Angeles, Calif.

Jones v. P. R. R. Co., 93 I. C. C. 697.

334. Rates charged on carloads of bicycles, from Westfield, Mass., and Little Falls, N. Y., to San Francisco, Calif., and from Middletown, Ohio, to Oakland, Calif., found applicable and not shown to be unreasonable or otherwise unlawful. Complaint dismissed.

Lee Farms Co. v. L. & N. R. R. Co., 93 I. C. C. 699.

335. Rate on strawberries, in carloads, from Castleberry, Ala., to Mansfield, Ohio, found unreasonable. Reparation awarded.

Assigned cars for bituminous coal mines, 93 I. C. C. 701.

336. Paragraph (12) of section 1 of the interstate commerce act held to apply to cars placed at carrier-owned and output-contract mines, and can not be relied upon to show that the Congress exempted such cars from the other provisions of section 1 requiring reasonable rules of distribution, and the provisions of section 3 prohibiting unduly preferential or prejudicial rules.

337. Findings in former report, 80 I. C. C. 520 that the practice of respondents in assigning private cars, and system or foreign-line cars for railway fuel, to bituminous-coal mines in excess of the ratable share contemporaneously distributed to bituminous-coal mines upon their lines which do not receive assigned cars, found for the future to be unjust and unreasonable, and unjustly discriminatory against, and unduly prejudicial to mines not receiving assigned cars, and unduly and unreasonably preferential of mines which are furnished such cars in excess of the ratable proportion, and that cars specially placed by order of the commission under the provisions of paragraph (15) of section 1 of the act may properly be treated as assigned cars, and need not be taken into account in determining the ratable distribution when the order of placement so requires, affirmed.

338. Order entered in this proceeding June 13, 1923, the effective date of which has been postponed until January 15, 1925, permitted to become effective on March 1, 1925.

Fort Smith Rim & Bow Co. v. K. C. S. Ry. Co., 95 I. C. C. 1.

339. Rates on wooden agricultural-implement, sleigh, and vehicle material, in carloads, from Fort Smith, Ark., to Boise, Idaho, and other destinations in Idaho, Oregon, and Montana, found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future. Reparation awarded.

Fitger Brewing Co. v. D., S. S. & A. Ry. Co., 95 I. C. C. 3.

340. Charges collected on less-than-carload shipments of cases and casks, containing empty bottles, returned from Saxon, Wis., and Herman and Hancock, Mich., to Duluth, Minn., found unreasonable. Reparation awarded.

Goodrich Bros. Hay & Grain Co. v. C., C. & St. L. Ry. Co., 95 I. C. C. 5.

341. Rate applicable on two carloads of anthracite coal shipped from West Nanticoke, Pa., to Ingalls, Ind., found not unreasonable or otherwise unlawful. Complaint dismissed.

Calif. Cotton Mills Co. v. S. Ry. Co., 95 I. C. C. 7.

342. Charges on cotton-factory sweepings and cotton twine, in carloads, from Uniontown, Ala., to Pacsteel, Calif., found not unreasonable. Complaint dismissed.

Bimel Spoke & Auto Wheel Co. v. L. E. & W. R. R. Co., 95 I. C. C. 9.

343. Rates on automobile wheels without hubs, tires, or ball or roller bearings, in carloads, from Portland, Ind., to Los Angeles and San Francisco, Calif., and Tacoma and Seattle, Wash., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Galloway Lithographing Co. v. S. P. Co., 95 I. C. C. 11.

344. Rates charged on seed envelopes in less than carloads from San Francisco, Calif., to Sabetha, Kans., found to have been unreasonable. Reparation awarded.

Murray v. E. R. R. Co., 95 I. C. C. 13.

345. Divisions of interstate joint rates accorded to the Dansville & Mount Morris Railroad not shown to have been or to be unjust, unreasonable, inequitable, or otherwise unlawful. Complaint dismissed.

Switching at Detroit, 95 I. C. C. 21.

346. Proposed switching charges of the Pere Marquette, Wabash, Pennsylvania, and Grand Trunk at Detroit, Mich., found justified. Order of suspension vacated as to such respondents.

347. Proposed switching charges of the Detroit & Western and Detroit & Toledo Shore Line found not justified. Suspended schedules ordered canceled.

Rochester switching case, 95 I. C. C. 30.

Upon consideration of the situation of industries located on the so-called State Street branch of the New York Central in Rochester, N. Y., and at intermediate points in the corporate limits of that city; *Found*—

348. That the interstate class and commodity rates between points on defendants' lines and industries on the State Street branch are, and for the future will be, unreasonable and unduly prejudicial to the extent that they exceed the lowest corresponding rates contemporaneously in effect between the same points and industries on the lines of the New York Central in Rochester.

349. That the charges of the New York Central for moving carload traffic, except coal and coke, in interstate commerce between connections in Group A and industries on the State Street branch or at the intermediate points of Barnard and Charlotte, and between Charlotte and said industries on the State Street branch, are, and for the future will be, unreasonable to the extent that they exceed certain prescribed switching charges on a basis per car; and that it will be unduly prejudicial to industries at Barnard and Charlotte and on the State Street branch if the total switching charges on interstate traffic moving between said industries and a connecting carrier having a line haul on such traffic are not absorbed by such carrier to the extent contemporaneously provided on traffic moving between such carrier and any point in Groups A to E, inclusive, of the New York Central.

350. That the charges of the New York Central for moving carload traffic, except coal and coke, in interstate commerce between industries in Groups A to E, inclusive, and industries on the State Street branch, and at the intermediate points of Barnard and Charlotte, are, and for the future will be, unreasonable to the extent that they exceed certain prescribed switching charges on a per car basis.

351. That the record is inadequate to support a finding requiring additional ferry-car service to or from the State Street district, or the establishment of switching charges on shipments of coal or coke.

Petroleum oil from Ark., 95 I. C. C. 55

352. Proposed increased rates on crude and refined petroleum oil, in carloads, from points in the Smackover-El Dorado, Ark., field on the Chicago, Rock Island & Pacific Railway to points in Louisiana on the Yazoo & Mississippi Valley Railroad, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

353. Just, reasonable, and equitable divisions to be received by the carriers party to the present rates on those commodities from and to those points prescribed for the future.

Ontario Paper Co. v. C. N. Rys., 95 I. C. C. 66.

354. Rate on newspaper, in carloads, from Thorold, Ontario, Canada, to New York, N. Y., found unreasonable. Reparation awarded.

N. O. Joint Traffic Bureau v. A. & A. R. R. Corp., 95 I. C. C. 77.

355. Rail-and-water and rail-water-and-rail rates on cotton from Oklahoma points to points in New England territory found unreasonable. Establishment of reasonable maximum joint rates required.

356. Rail-and-water and rail-water-and-rail rates on cotton from Oklahoma points to other points in northeastern United States and eastern Canada found not unreasonable.

Chicago Heights Mfrs.' Asso. v. B. & O. R. R. Co., 95 I. C. C. 83.

357. Rates on coal, in carloads, from certain points in the Meyersdale district of Pennsylvania and the Fiarmon district of West Virginia to New Castle, Del., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Storage rules on fruits and vegetables, 95, I. C. C. 87.

358. Proposed cancellation of tariff schedules providing for storage charges on shipments of fruits and vegetables which have been unloaded from cars into a warehouse in the Pennsylvania Railroad Company's Pittsburgh, Pa., produce yards, for sale at public auction found justified, on the grounds that the transportation service of the respondent ends with the unloading of the car.

Montrose Oil Refining Co., v. St. L.-S. F. Ry. Co., 95 I. C. C. 96.

359. Upon further consideration, found that the rate prescribed for the future in our former report, 78 I. C. C. 572, on crude petroleum from Cement, Okla., to North Fort Worth, Tex., would, by taking into account the general reductions and advances, be reasonable for application on past shipments. Reparation awarded.

360. Found, further, following *Nollenberger v. M. P. Ry. Co.*, 15 I. C. C. 595, 598, that the actual damage sustained in any case is a matter for determination by the commission, unlimited by a prayer for reparation to a stated basis.

Storage in transit of apples and pears, 95, I. C. C. 101.

361. Proposed changes in rules governing the storage, at points in central freight association territory, of apples and pears handled in transit by the Baltimore & Ohio Railroad Company, found not justified.

Union Smelting & Refining Co. v. C. R. R. Co. of N. J., 95 I. C. C. 104.

362. Rates on scrap brass and on brass ingots or pigs, in carloads, from and to points in New York, Pennsylvania, New Jersey, and Maryland found unreasonable. Reparation awarded.

Louisville & Nashville R. R. Co. v. C. & M. R. R. Co., 95 I. C. C. 107.

363. Divisions of joint rates applicable on coal moving from points on the Cumberland & Manchester Railroad over the Louisville & Nashville Railroad to destinations in the North, West, and South, as between the two carriers named, not shown to be unjust, unreasonable, inequitable, or otherwise unlawful. Record inadequate to sustain a finding as to the lawfulness of present basis of divisions between the Louisville & Nashville and its connections other than the Cumberland & Manchester. Complaint dismissed.

Cosden Oil & Gas Co. v. A., T. & S. F. Ry. Co., 95 I. C. C. 116.

364. Use of other than actual distance in applying distance rates on shipments of wrought-iron pipe and other iron and steel articles and oil-well supplies between points in Oklahoma and points in Kansas found to have resulted in overcharges. Refunds directed and complaint dismissed.

New York, State of v. N. Y. C. R. R. Co., 95 I. C. C. 119.

365. Upon complaint, ordered that the defendant New York Central Railroad Company furnish a transportation service between the Erie Basin barge-canal public terminal, Buffalo, N. Y., and points and shippers located on its line and on lines of its connections, and perform upon the terminal tracks the operating service necessary to an interchange of traffic with barge-canal lines at the terminal, all with defendant's own motive power and other equipment, the services to embrace all traffic, interstate and intrastate, that may be transported to or from the terminal over defendant's line.

Fort Smith Commission Co. v. Director General, 95 I. C. C. 149.

366. Rate on sweet potatoes from Dardanelle, Ark., to Spokane, Wash., found unreasonable. Reparation awarded.

Rates on sugar from Billings, Mont., 95 I. C. C. 151.

367. Application for authority to maintain and establish rates on sugar, in carloads, from Billings, Mont., to Superior, Wis., St. Paul, Minneapolis, and Duluth, Minn., and points taking the same rates, without observing the long-and-short-haul provision of section 4 of the act, denied.

Transit on lumber, 95 I. C. C. 154.

368. Proposed changes in rules covering transit on forest products at Minneapolis, St. Paul, Minnesota Transfer, St. Louis Park, and other points in Minnesota and Wisconsin and proposed changes in intermediate rule covering rates on forest products from the Pacific Northwest found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules in accordance with the findings herein. Proceedings discontinued.

La. Red Cypress Co. v. M. L. & T. R. R. & S. S. Co., 95 I. C. C. 159.

369. Rates charged on cypress shingles, in carloads, from Louisiana points to Eagle Pass, Tex., found inapplicable on shipments destined to points in Mexico. Refund of overcharges directed and complaints dismissed.

Black Steel & Wire Co. v. A. T. & S. F. Ry. Co., 95 I. C. C. 161.

370. Carload rates on wire rods, in coils, from Acme and Peoria, Ill., Harriet, N. Y., and Johnstown, Pa., to Kansas City, Mo., found not unreasonable or otherwise unlawful. Complaint dismissed.

Radiant Glass Co. v. M. P. R. R. Co., 95 I. C. C. 165.

371. Charges collected on 5-gallon glass water bottles, in bulk, in carloads, found not illegal or unreasonable. Complaint dismissed.

Transcontinental Oil Co. v. C. R. I. & G. Ry. Co., 95 I. C. C. 168.

372. Shipment of oil-well supplies from Jakehamon, Tex., to El Dorado, Ark., found misrouted. Rate applicable over route by which shipment should have moved found unreasonable. Reparation awarded.

Interstate Cotton Oil Ref. Co. v. A. T. & S. F. Ry. Co., 95 I. C. C. 171.

373. Rates on lard substitutes, cottonseed, and other cooking oils, in peddler cars, from Houston and Sherman, Tex., to points in Oklahoma, Arkansas, and Louisiana, found unreasonable and unduly prejudicial to complainants and unduly preferential of shippers of lard to the extent that they exceed or may exceed the contemporaneous rates on lard, in peddler cars, for equal distances.

374. Failure of defendants to maintain peddler-car service from Houston, Sherman, San Antonio, and Taft, Tex., to points in Oklahoma, Arkansas, and Louisiana, substantially equivalent to peddler-car service maintained by them from other points to the same destinations, not shown to be unreasonable or unduly prejudicial.

Indiana Chamber of Commerce v. A. T. & S. F. Ry. Co., 95 I. C. C. 177.

375. Class rates and rates related thereto between the Chicago, Ill., district, on the one hand, and Michigan City, Valparaiso, La Porte, and Crown Point, Ind., and intermediate points, on the other, found unreasonable and unduly prejudicial. Basis for reasonable and nonprejudicial rates prescribed.

Parkersburg Rig & Reel Co. v. C. R. I. & P. Ry. Co., 95 I. C. C. 181.

376. Rates on rig irons, in carloads, from Parkersburg, W. Va., to destinations in Louisiana, Arkansas, Oklahoma, Kansas, Montana, and California found unreasonable. Reasonable rates for the future prescribed and reparation awarded.

Class and commodity rates from Atlantic seaboard, 95 I. C. C. 188.

377. Proposed readjustment of ocean-and-rail and rail-ocean-and-rail rates on classes and certain commodities from points in Atlantic seaboard territory and all-rail class rates from the Virginia cities to southwestern points found not justified.

378. Proposed readjustment of all-rail rates from St. Louis, Mo., Memphis, Tenn., New Orleans, La., and related points, to certain southwestern points found justified, but certain modifications are to be made in the rates from New Orleans to Marshall and Jefferson, Tex.

Railway mail pay, 95 I. C. C. 204.

379. Upon reargument found that rates of mail pay for the transportation of mail matter by applicant carriers during the period from February 25, 1921, to December 12, 1923, both inclusive, were unreasonable.

Hay and straw from Missouri River points, 95 I. C. C. 209.

380. Proposed changes, including both increases and reductions, in rates on hay and straw, in carloads, from Missouri River points and tributary territory to Cairo, Ill., Memphis, Tenn., Mississippi River crossings south of Memphis, Mobile, Ala., and points in interior Mississippi Valley found justified in part. Suspended schedules ordered canceled without prejudice to the publication of schedules in conformity with the conclusions.

381. Proposed increased rates on hay, in carloads, from Kansas City, Mo., and Omaha, Nebr., to Metropolis and Cairo, Ill., and Evansville, Ind., found not justified. Suspended schedules ordered canceled.

Union Bag & Paper Corp. v. Director General, 95 I. C. C. 222.

382. Upon further hearing demurrage charges on certain carloads of pulp wood held short of destination under constructive placement found not unlawful. Findings of the original report, 61 I. C. C. 424, as modified by supplemental report, 69 I. C. C. 711, affirmed.

The Tap Line case, 95 I. C. C. 235.

383. Upon further hearing, *Found*: That the principles announced in prior reports, 23 I. C. C. 549 and 31 I. C. C. 490, have no further application to the Prescott & Northwestern Railroad Company. Order entered dismissing carrier as a party to this proceeding.

Routing of transcontinental traffic, 95 I. C. C. 237.

384. Proposed elimination of Salt Lake & Utah Railroad as an intermediate participating carrier in routing of westbound transcontinental traffic found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Phoenix Chamber of Commerce v. A., T. & S. F. Ry. Co., 95 I. C. C. 244.

385. Rate on sugar, in carloads, from California points to Phoenix, Ariz., found to have been and to be unreasonable, but not unjustly discriminatory, or unduly prejudicial. Reasonable rate for the future prescribed, and reparation awarded.

Jackson Traffic Bureau v. A. & V. Ry. Co., 95 I. C. C. 251.

386. Rates applicable on wood box material, in carloads, from Crystal Springs, Miss., to Key West, Tampa, and Miami, Fla., found not unreasonable but unduly prejudicial. Certain shipments found to have been misrouted and others overcharged, on account of which reparation is awarded. Undue prejudice ordered removed and fourth-section relief denied.

Morrell & Co. v. C., B. & Q. R. R. Co., 95 I. C. C. 255.

387. Rates on fresh meat and packing-house products, in carloads, from Sioux Falls, S. Dak., to Lincoln, Nebr., found unreasonable and unduly prejudicial. Rates subsequent to July 15, 1923, on fresh meat found not unreasonable or unduly prejudicial. Reasonable rates for the future on packing-house products prescribed. Reparation awarded.

Peerless White Lime Co., v. C. & E. I. Ry. Co., 95 I. C. C. 260.

388. Rates on bituminous coal, in carloads, from southern Illinois fields to Ste. Genevieve and Mosher, Mo., found not unreasonable or otherwise unlawful, except as to certain fourth-section violations, which have been corrected. Complaint dismissed.

Certain-teed Products Corp. v. A. & L. M. Ry. Co., 95 I. C. C. 273.

389. Carload rates on prepared roofing, asphalt shingles, building and roofing paper, roofing cement, and related articles from East St. Louis, Ill., and Kansas City, Mo., to Oklahoma, Texas, and Eastern New Mexico, found unreasonable. Reasonable rates prescribed for the future.

390. Reparation awarded on three shipments from East St. Louis to Fort Smith, Ark.—Fourth-section relief granted.

National Reduction Corp. v. Director General, 95 I. C. C. 284.

391. Charges collected on intrastate carload shipments of pine stumps, boughs, limbs, and wood fragments from Mount Vernon and contiguous points to Calvert, Ala., during the period of Federal control, found to have been assessed without tariff authority. Bases for adjustment of charges prescribed.

West Coast Lumbermen's Asso. v. Director General, 95 I. C. C. 287.

392. Reparation awarded Siler Mill Company, complainant, on shipments of box shooks from Raymond, Wash., to San Francisco and other points on the Southern Pacific in California. Original report, 77 I. C. C. 669.

Cotton factory products between Shreveport, La., and southern territory, 95 I. C. C. 289.

393. Proposed cancellation of proportional commodity rates on cotton-factory products from Natchez and Vicksburg, Miss., and Baton Rouge, La., to western Louisiana points found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Minimum weight on cotton sweepings, 95 I. C. C. 291.

394. Proposed increase of carload minimum weight from 15,000 pounds to 20,000 pounds on cotton-factory sweepings, motes, and card strippings, in connection with rates from and to various points in southeastern, Carolina, trunk-line, and New England territories found justified. Proceeding discontinued.

Carey Co. v. A., T. & S. F. Ry. Co., 95 I. C. C. 296.

395. Rates on roofing and building paper or felt and prepared roofing, in carloads, from Cincinnati, Lockland, and Carthage, Ohio, to Texas Gulf ports and points taking same rates, found unreasonable to the extent that they exceed rates contemporaneously maintained from East St. Louis, Ill., to the same points by more than 11.5 cents.

McCormick Warehouse Co. v. P. R. R. Co., 95 I. C. C. 301.

396. Practice of defendants in employing certain warehouse companies to perform its terminal services in connection with the loading and unloading of carload package freight at Baltimore and refusing to employ other warehouse companies to perform similar services found not to be unjustly discriminatory, unduly preferential, or prejudicial. Complaint dismissed.

Rules governing ratings of coal mines, 95 I. C. C. 309.

397. Upon investigation of the rules, regulations, and practices of carriers by railroad governing the distribution of cars to coal mines, other than anthracite, for coal loading, and the ratings of mines as the basis for such distribution, with a view to establishing such just and reasonable rules, regulations, and practices as might appear to be necessary; *Found*, That the rules established early in 1923, after conferences between the carriers and operators, should be allowed to remain in force a sufficient time for a fair trial. Record held open for further appropriate proceedings.

Alabama & Mississippi R. R. Co. v. A., T. & S. F. Ry. Co., 95 I. C. C. 385.

398. Divisions accounted southern carriers out of joint transcontinental class and commodity rates to southern territory found unreasonable and inequitable. Measure of divisions prescribed for future.

Livestock from Southwest to Omaha, 95 I. C. C. 405.

399. Proposed increased rates on cattle and calves, in carloads, from points in New Mexico, Oklahoma, and Texas to Omaha, Nebr., found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

Pig iron from Illinois, 95 I. C. C. 409.

400. Proposed changes, consisting of increases and reductions, in the rates on pig iron and iron briquettes, in carloads, from Chicago, Ill., St. Louis, Mo., and points grouped therewith, to certain destinations in Iowa found not justified, except as indicated. Suspended schedules ordered canceled without prejudice to the filing of schedules in conformity with our findings herein.

Class and commodity rates from Utah common points, 95 I. C. C. 417.

401. Fourth-section relief relating to class rates and certain commodity rates between Utah common points and points in California and Oregon granted with certain restrictions.

Pacific Manure & Fertilizer Co. v. A. & R. R. Co., 95 I. C. C. 430.

402. Rates on animal manure, in carloads, from Perth and Lovelock, Nev., to eastbound transcontinental Groups B to J, inclusive, and M, found unreasonable. Reasonable rates to Groups F to J, inclusive, and M, prescribed for the future. Reparation awarded.

Humble Oil & Ref. Co. v. D.-G. C. Ry. Co., 95 I. C. C. 435.

403. Rates on wrought-iron pipe, in carloads, from Goose Creek and Doc-brown, Tex., to Olivier, La., and from Goose Creek to Anse La Butte, La., found unreasonable. Reasonable rates prescribed for the future, and reparation awarded.

Walsh Fire Clay Products Co. v. Director General, 95 I. C. C. 439.

404. Applicable charge for weighing outbound carloads of freight on private track scales of certain shippers at St. Louis, Mo., and Granite City, Madison, and East St. Louis, Ill., served by the Terminal Railroad Association of St. Louis and its subsidiary lines, determined, and found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaints dismissed.

National Supply Co. v. Director General, 95 I. C. C. 445.

405. Applicable rates on coal, in carloads, from Marshall, Colo., to Stanhope, Iowa, and from Frederick, Colo., to Fredericksburg, Iowa, in August, 1918, found unreasonable. Reparation awarded and waiver of undercharge authorized.

Okla. Publishing Co. v. A., T. & S. F. Ry. Co., 95 I. C. C. 448.

406. Rates on newspaper, and certain paper articles, from points in Wisconsin, Michigan, Minnesota, and Missouri to Oklahoma City and Guthrie, Okla., found unreasonable. Reparation awarded.

McGowin-Foshee Lumber Co. v. A., F. & G. Ry. Co., 95 I. C. C. 451.

407. Shipments of lumber, in carloads, from Falco, Ala., to Manitou Beach and Northville, Mich., found to have been overcharged. Reparation awarded.

Frontier Refining Co. v. A, T. & S. F. Ry. Co., 95 I. C. C. 454.

408. Rate on casing-head gasoline from Burkburnett, Tex., to Hutchinson, Kans., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Hutchinson Paper Co. v. T. & N. O. R. R. Co., 95 I. C. C. 457.

409. Rate applicable on wrapping paper, in carloads, from Orange, Tex., to Hutchinson, Kans., found unreasonable. Reasonable rate prescribed for the future and waiver of undercharges authorized.

McClintic Marshall Steel Supply Co. v. P., C. & Y. Ry. Co., 95 I. C. C. 459.

410. Rate on structural steel, in carloads, from Carnegie, Pa., to Richmond, Va., found unreasonable. Reparation awarded.

National Supply Co. v. N. Y. C. R. R. Co., 95 I. C. C. 461.

411. Rate on a carload of oil-well supplies, shipped June 9, 1922, from Toledo, Ohio, to Bakersfield, Calif., found not unreasonable or unjustly discriminatory. Complaint dismissed.

American Sumatra Tobacco Co. v. A. C. L. R. R. Co., 95 I. C. C. 463.

412. Rates on charcoal, in carloads, from Savannah, Ga., to Havana, Fla., found unreasonable. Reparation awarded.

Craig Grain Co. v. G., H. & S. A. Ry. Co., 95 I. C. C. 464.

413. Rates assessed on four carloads of wheat from points in Oklahoma to Wichita, Kans., there stored in transit and later shipped to Galveston, Tex., for export, found not unreasonable, but unlawful to the extent that they exceeded the Cherryvale, Kans., combination. Parties directed to adjust the charges assessed and collected to the basis found lawful.

Charges for passengers traveling in sleeping and parlor cars, 95 I. C. C. 469.

414. Present surcharge accruing to the rail carriers in addition to the regular passenger fare for the transportation of passengers in sleeping and parlor cars found not unreasonable.

Railway mail pay, 95 I. C. C. 493.

415. Rates of pay for transportation of mail on and after June 30, 1921, found to have been not fair and reasonable. Fair and reasonable rates established for the future.

Cotton linters to Indiana points, 95 I. C. C. 514.

416. Proposed increased rates on cotton linters, uncompressed, in carloads, from points in Texas and Oklahoma to Indianapolis and Marion, Ind., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Wooden hoops, westbound, 95 I. C. C. 519.

417. Proposed increased rates on wooden hoops, in carloads, from Group C points to western destinations found not justified. Suspended schedules ordered canceled without prejudice to the filing of schedules in accordance with the findings herein.

Laurel Oil & Fertilizer Co. v. Director General, 95 I. C. C. 522.

418. Rates on bulk manure salts, in carloads, from Savannah, Ga., to Laurel, Miss., found not unreasonable or otherwise unlawful. Complaint dismissed.

Amer. Licorice Co. v. C., M. & St. P. Ry. Co., 95 I. C. C. 525.

419. Failure of tariffs to impose upon the initial carrier the duty of directing shipper's attention to a tariff requirement that a certificate be made on the bill of lading that packages used conformed to requirements, found not unreasonable. Complaint dismissed.

Penalty charge on shipments in fiber boxes, 95 I. C. C. 528.

420. Proposed elimination of requirement that description of contents be shown on the outside of fiber boxes in official classification territory found justified.

Citrus fruit between points in Florida, 95 I. C. C. 532.

421. Proposed increases and changes in gathering charges up to Florida basing points as factors of through rates on citrus fruit from points in Florida to certain transcontinental and intermountain territory found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules in accordance with the findings herein.

Maritime Asso., Boston Chamber of Commerce, v. A. A. R. R. Co., 95 I. C. C. 539.

422. Class and commodity rates on import and export traffic between Boston, Fall River, and New Bedford, Mass., New London, Conn., Portland, Me., and Providence, R. I., on the one hand, and that portion of central territory known as differential territory, on the other hand, found not unreasonable nor unduly prejudicial.

423. Export rates on ex-lake grain and grain products, other than flour, from Buffalo, N. Y., to the above-named New England ports found not unreasonable nor unduly prejudicial.

424. Complaints dismissed.

Philadelphia Quartz Co. v. Director General, 95 I. C. C. 593.

425. Combination rate charged on a carload shipment of silicate of soda from Livny, Calif., to Los Angeles, Calif., in November, 1919, found to have been unreasonable. Reparation awarded.

Cement from Oklahoma, 95 I. C. C. 596.

426. Increased rates on cement, in carloads, from Ada and Hartshorne, Okla., to points in Texas found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

427. Fourth-section relief denied.

Sucker and pull rods from St. Louis, 95 I. C. C. 599.

428. Proposed cancellation of commodity rates on iron or steel sucker and pull rods, in carloads, from St. Louis, Mo., and points in central territory to destinations in Kansas and Missouri, found not justified. Respondents required to cancel suspended schedules.

Campbell Construction Co. v. L. C. & S. E. Ry. Co., 95 I. C. C. 603.

429. Demurrage charges on carload shipments of various commodities held at Viroqua, Wis., found to have been inapplicable because of lack of written notice as provided by tariff. Reparation awarded.

Coal from Evansville, Ind., 95 I. C. C. 607.

430. Proposed increased rates on bituminous coal, in carloads, from Evansville, Ind., to certain stations in Illinois on the Chicago & Eastern Illinois found not justified. Suspended schedules ordered canceled and proceeding discontinued.

New Italian Importing Co. v. S. P. Co., 95 I. C. C. 611.

431. Rate on wine grapes, in carloads, from Madison, Calif., to Portland and East Portland, Oreg., found not unreasonable, but unduly prejudicial as compared with the rates contemporaneously maintained on like traffic to these destinations from South Vallejo, Napa, and points on defendant's San Ramon and Walnut Grove branches. Undue prejudice ordered removed. Reparation denied.

Orford Soap Co. v. B. & M. R. R., 95 I. C. C. 615.

432. Rates on feldspar, in carloads, from Keene, N. H., to Manchester, Conn., found unreasonable. Reasonable interstate factor from Willimantic, Conn., to Manchester prescribed for the future. Reparation to be awarded on proof of damage.

Schloss & Kahn Grocery Co. v. L. & N. R. R. Co., 95 I. C. C. 618.

433. Rate on canned goods, in carloads, from Mobile to Montgomery, Ala., shipped by water to Mobile from interstate points, found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Hyman-Michaels Co. v. K. & M. Ry. Co., 95 I. C. C. 623.

434. Rates applied on old unused steel rails, in carloads, from Nitro, W. Va., to Detroit, Mich., Akron, Ohio, and McKee's Rocks, Pa., found not unreasonable, unjustly discriminatory, or unduly preferential. Complaint dismissed.

Texas-Pacific Coal & Oil Co. v. T. & P. Ry. Co., 95 I. C. C. 625.

435. Rate on wrought-iron and steel pipe, in carloads, from Ranger, Tex., to Taylor, Louann, and Smackover, Ark., found unreasonable. Reasonable rates prescribed for the future. Reparation awarded.

Atlantic Refining Co. v. C. & O. Ry. Co., 95 I. C. C. 629.

436. Rates on gasoline, in tank-car loads, from Hubball and Alkol, W. Va., to Point Breeze, Philadelphia, Pa., found unreasonable. Reparation awarded.

Cape Girardeau Portland Cement Co. v. B. & O. R. R. Co., 95 I. C. C. 632.

437. Rates on cement, in carloads, from Cape Girardeau (Gulf Junction), Mo., to points in Illinois found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed.

Pittsburgh Steel Co. v. Director General, 95 I. C. C. 637.

438. Rates on steel wire, in carloads, from Monessen to Economy, Pa., during Federal control, found not to have been unreasonable or unduly prejudicial. Complaint dismissed.

Kelly & Jones Co. v. P. R. R. Co., 95 I. C. C. 640.

439. Rates on pig iron, in carloads, from Youngstown, Leetonia, and Warren, Ohio, to Huff, Pa., found unreasonable. Reparation awarded.

Jelke Co. v. C. & N. W. Ry. Co., 95 I. C. C. 643.

440. Rates on oleomargarine, in carloads, from Chicago, Ill., to South Bend, Ind., Syracuse and New York, N. Y., and Pittsburgh and Philadelphia, Pa., found not unreasonable. Complaint dismissed.

Alton Mercantile Co. v. A. & W. Ry. Co., 95 I. C. C. 645.

441. Rates on clean rice, in carloads, from points in Arkansas, Louisiana, and Texas to points in Oklahoma found unreasonable. Reasonable rates and bases of rates prescribed.

442. Reparation awarded to the extent that the charges assessed exceeded those accruing under the lowest aggregate of intermediates.

443. Fourth-section relief granted to extent indicated.

State of Arizona, ex rel., v. A. E. R. R. Co., 95 I. C. C. 658.

444. Rate on portable railway track from Tullytown, Pa., to Phoenix, Ariz., found not unreasonable. Complaint dismissed.

Bush v. Director General, 95 I. C. C. 661.

445. Rate on ferromanganese, in carloads, from Seattle, Wash., to Minnequa, Colo., found not unreasonable. Complaint dismissed.

Phoenix Chamber of Commerce v. A., T. & S. F. Ry. Co., 95 I. C. C. 665.

446. Reparation awarded on shipments of canned goods, including canned salmon, canned fruits, and preserved fruits, from Portland, Oreg., and Seattle, Wash., or points taking the same rates, to Phoenix, Ariz. Former report, 88 I. C. C. 178.

Singer v. St. L.-S. F. Ry. Co., 95 I. C. C. 667.

447. Rate charged on one carload of strawberries from Sarcxie, Mo., to Kansas City, Mo., found applicable. Complaint dismissed.

Pacific Adjustment Co. v. O.-W. R. R. & N. Co., 95 I. C. C. 669.

448. Rates charged on green pears, in carloads, from Sunnyside, Grand View, and Yakima, Wash., to San Francisco and Campbell, Calif., found applicable. Complaint dismissed.

Maloney Tank Mfg. Co. v. C. & E. I. Ry. Co., 95 I. C. C. 671.

449. Applicable rate on steel plates, in carloads, shipped between January 1 and June 30, 1922, from Gary, Ind., to Tulsa, Okla., there fabricated into knocked-down steel tanks and reshipped to New Orleans, La., for export, found not unreasonable. Complaint dismissed.

Texas Pipe Line Co. v. L. & A. Ry. Co., 95 I. C. C. 674

450. Rates on prepared roofing, in carloads, from Port Neches, Tex., to Couchwood, Cotton Valley, and Haynesville, La., and State Line and Emerson, Ark., in February and March, 1923, found unreasonable. Reparation awarded.

Victory Bag & Paper Co. v. A., T. & S. F. Ry. Co., 95 I. C. C. 677.

451. Rates on plain-paper bags, in carloads, from Marinette, Wis., to Fort Worth, Dallas, and San Antonio, Tex., found unreasonable. Reparation awarded. Carload shipment of same commodity to El Paso, Tex., found to have been overcharged. Refund of overcharge directed.

United Paperboard Co. v. C. R. R. Co. of N. J., 95 I. C. C. 680.

452. Rates on silicate of soda, in carloads, from Grasselli, N. J., to Thomson, N. Y., from December 1, 1921, to December 2, 1922, found unreasonable. Reparation awarded.

Berkman v. P. R. R. Co., 95 I. C. C. 685.

453. Rates on cotton goods, in the original piece, in any quantity, between Philadelphia, Pa., and Bridgeton, N. J., found not unreasonable, or otherwise unlawful. Complaint dismissed.

• *Beacon Coal Co. v. Director General*, 95 I. C. C. 687.

454. Rates on bituminous coal, in carloads, from Panhandle, Ohio, to Mingo Junction, Ohio, during Federal control found unreasonable. Reparation awarded.

Pioneer Fruit Co. v. C. T. Co., 95 I. C. C. 690.

455. Rate on grapes, in carloads, from Micke, Calif., to Seattle, Wash., found not unreasonable but unduly prejudicial as compared with contemporaneous rates on like traffic from San Jose, Stockton, and Lodi, Calif., to the same destination. Reparation denied.

Thaxter & Co. v. Director General, 95 I. C. C. 693.

456. Rates charged on shipments of grain and grain products, in carloads, shipped during Federal control from points west of Buffalo, N. Y., to destinations in Washington and Somerset Counties and milled in transit at Portland, Me., found inapplicable. Reparation awarded.

Peerless Carbon Black Co. v. A. & L. M. Ry. Co., 95 I. C. C. 696.

457. Rates on secondhand carbon-black houses, iron or steel, knocked down, secondhand iron and steel articles and secondhand machinery, in mixed carloads, from Wilsonburg, W. Va., to Guthrie and Swartz, La., found not unreasonable. Complaint dismissed.

Pendleton & Gilkey v. Director General, 95 I. C. C. 699.

458. Rates assessed on poles and posts, in carloads, shipped during Federal control from points in Minnesota on the Minneapolis & Rainy River and the Minneapolis, Red Lake & Manitoba to destinations in Minnesota, Iowa, Illinois, North Dakota, South Dakota, and Montana, found applicable on some shipments and inapplicable on others. Reparation awarded.

Standard Mineral Co. v. N. S. R. R. Co., 95 I. C. C. 704.

459. Rates on talc, in carloads, from Hemp, N. C., to Jacksonville, Fla., York and Philadelphia, Pa., Manville, N. J., and East St. Louis and Vandalia, Ill., for the period of two years next preceding the filing of the complaint, found to have been unreasonable, but not unjustly discriminatory or unduly prejudicial. Reparation awarded.

460. Present rates from Hemp to Vandalia found not unreasonable or otherwise unlawful, but to Manville over the direct route of the Pennsylvania and its connections beyond Norfolk, Va., found unreasonable. Reasonable rate to Manville over that route prescribed for the future.

Humble Oil & Refg. Co. v. M. P. R. R. Co., 95 I. C. C. 709.

461. Rates on wrought-iron and steel pipe, in carloads, from points in Texas common-point territory to points in Little Rock-Fort Smith territory found unreasonable. Reasonable rates prescribed and reparation awarded.

Omaha Chamber of Commerce v. A. T. & S. F. Ry. Co., 95 I. C. C. 713.

462. Rates on sugar, in carloads, from New Orleans, La., to Kansas City, Mo., Omaha, Nebr., and Atchison, Kans., found not unreasonable but unduly prejudicial. Undue prejudice ordered removed.

Southwestern Milling Co. v. W. & O. D. Ry., 95 I. C. C. 719.

463. Demurrage charges assessed on one carload of bran held at Purcellville, Va., found in part not applicable. Applicable demurrage charges on this and three other carloads of bran held at that point found unreasonable. Reparation awarded.

Maloney Tank Mfg. Co. v. B. & O. R. R. Co., 95 I. C. C. 725.

464. Fabrication in transit at Tulsa, Okla., of steel plates shipped from Gary, Ind., to Sunburst, Mont., at the through rate from Tulsa plus the fabrication charge of 2 cents per 100 pounds, found permissible under the tariffs provided the route of movement does not necessitate a back haul. Overcharges directed refunded. Complaint dismissed.

Mauk Produce Co. v. Director General, 95 I. C. C. 728.

465. Rates on fruit and vegetables, in mixed carloads, shipped from Los Angeles, Calif., to Globe, Ariz., during Federal control, found inapplicable. Refund of overcharges required.

Gulf Refining Co. v. A. & W. P. R. R. Co., 95 I. C. C. 731.

466. Charges resulting from use of actual weights on less-than-carload shipments of petroleum and its products, in packages, from Jacksonville, Fla., to points in Georgia, found not unreasonable or unduly prejudicial. Complaint dismissed.

McFadden & Bros. Agency v. Director General, 95 I. C. C. 734.

467. Shipments of cotton from Blythe, Calif., to Galveston, Tex., compressed in transit, originating prior to February 15, 1919, and on and subsequent to September 10, 1919, found to have been overcharged. Reparation awarded.

Best Foods v. C. R. R. Co. of N. J., 95 I. C. C. 738.

468. Rating in southern classification on coconut oleine, in carloads, governing rates from Bayonne, N. J., to Suffolk, Va., found unreasonable but not unjustly discriminatory or unduly prejudicial. Reasonable rating prescribed for the future and reparation awarded.

Konz Box & Lumber Co. v. Director General, 95 I. C. C. 741.

469. Rates on logs, in carloads, shipped from Goodrich, Whittlesey, Park Falls, and Rib Lake, Wis., to Black Creek, Wis., during Federal control, found unreasonable. Reparation awarded.

Lumber from Pacific coast, 95 I. C. C. 744.

470. Proposed cancellation of the "intermediate clause" in transcontinental tariff publishing rates on lumber, in carloads, eastbound from the California coast group and related points, in connection with traffic moving to points in Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Ohio, West Virginia, New York, and Pennsylvania, and the elimination of Bradford and East Bradford, Pa., from Group K found not justified. Suspended schedules ordered canceled and proceedings discontinued.

Report of the Commission to the Senate of the United States in response to Senate Resolution 314, 95 I. C. C. 748.

471. Certain findings made to the Senate relative to proposed changes in classification of canned foods.

Assessed valuation of railways, 95 I. C. C. 750.

472. Report made to the Senate relative to the assessed valuation of railways for taxation in each State of the United States.

Frazier Saddlery v. M. P. R. R. Co., 96 I. C. C. 1.

473. Rates charged on trunks, wrapped, in less than carloads, from Petersburg Va., to Pueblo, Colo., found inapplicable. Reparation awarded.

Villines Canning Co. v. M. Ry. Co., 96 I. C. C. 3.

474. Charges assessed on four carloads of corrugated strawboard boxes shipped during July and August, 1922, from St. Louis, Mo., to Urbanette and Green Forest, Ark., found unreasonable. Reparation awarded.

Western Newspaper Union v. A. T. & S. F. Ry. Co., 96 I. C. C. 5.

475. Rate on newsprint, in carloads, from Alexandria, Ind., to Omaha, Nebr., and Kansas City, Mo., found unreasonable for the future. Rates on newsprint, printing paper, and certain other kinds of paper, in carloads, from manufacturing points in Minnesota, Wisconsin, upper Michigan, and in central and eastern territories to Omaha and Kansas City found not unreasonable.

476. Claim for reparation based upon rates prescribed in *Minnesota & Ontario Paper Co. v. N. P. Ry Co.*, 66 I. C. C. 571, denied as to certain points and allowed as to others.

Frost v. A. & G. Ry. Co., 96 I. C. C. 15.

477. Charges collected on spinach, in carloads, shipped from Texas points to various destinations, found not unreasonable, or otherwise unlawful. Complaints dismissed.

Butter, eggs, dairy products, and poultry from Southwest, 96 I. C. C. 19.

478. Proposed readjustment of rates on butter, eggs, and live and dressed poultry from points in Arkansas, Oklahoma, and Texas to certain defined territories and eastern destinations found not justified. Suspended schedules ordered canceled and basis for reasonable rates for the future prescribed.

479. Present rates on butter, eggs, and live and dressed poultry, from points in Texas to certain eastern destinations found unreasonable. Reasonable maximum rates prescribed.

Railway mail pay, 96 I. C. C. 43.

480. Rates of pay for transportation of mail by applicants on and after the dates upon which the applications herein were filed found to have been not fair and reasonable. Fair and reasonable rates prescribed for the future.

481. Request for findings as to rates of pay as of December 13, 1923, denied.

Dixie Portland Cement Co. v. N. C. & St. L. Ry., 96 I. C. C. 47.

482. Rate on cement, in carloads, from Richard City, Tenn., to Normal, Tenn., found unreasonable. Reparation awarded.

St. Anthony & Dakota Elevator Co. v. D. & S. L. R. R. Co., 96 I. C. C. 49.

483. Rate charged on one carload of coal from Mount Harris, Colo., in the Oak Hills district, to Dixon, Nebr., found unreasonable. Reparation awarded.

Quebracho Products Co. v. S. I. R. T. Ry. Co., 96 I. C. C. 52.

484. Rate on liquid tanning extract, in tank-car loads, from Mariners Harbor, N. Y., to Millville, Pa., found unreasonable. Reparation awarded.

Taylor v. I. & G. N. Ry. Co., 96 I. C. C. 55.

485. Rates charged on 50 carloads of Army escort wagons from Jacksonville, Ind., to Laredo, Tex., found applicable and not unreasonable or otherwise unlawful. Complaints dismissed.

Hunter v. N. Y., N. H. & H. R. R. Co., 96 I. C. C. 57.

486. Storage charges, applicable during winter months, on Eastman heater cars, provided with artificial-heating apparatus, found to be not unreasonable, unjustly discriminatory, or unlawful. Complaint dismissed.

Slider v. B. & O. R. R. Co., 96 I. C. C. 65.

487. Rates on ex-river coal from New Albany, Ind., to other points in the State found unreasonable. Reasonable rates prescribed.

Colorado Paper Co. v. A., T. & S. F. Ry. Co., 96 I. C. C. 73.

488. Rates on plain wrapping paper, in carloads, from Port Edwards and Nekoosa, Wis., and Otsego, Mich., on paper bags from Decatur, Ill., and on printing paper from Neenah, Wis., to Pueblo, Colo., found unreasonable. Reparation awarded.

Vossler Co. v. E., J. & E. Ry. Co., 96 I. C. C. 75.

489. Rates charged on canned vegetables and condensed milk, in carloads, from points in Wisconsin to Cincinnati, Ohio, found not unreasonable. Complaint dismissed.

Burkhart & Co. v. Director General, 96 I. C. C. 77.

490. Overcharges found to have been collected on 11 carloads of coal shipped from points in West Virginia, Kentucky, and Indiana to Tipton and Hartford City, Ind., during the Federal control period. Reparation awarded.

491. Certain other carload shipments from points in West Virginia, Ohio, Kentucky, and Indiana to the same destinations found not to have been overcharged.

National Slag Co. v. A. C. R. R. Co., 96 I. C. C. 79.

492. Upon further consideration order in original report modified so as to exclude New York, N. Y., as a point of destination on all shipments except those originating at Lebanon, Pa.

Texas Co. v. K. C. S. Ry. Co., 96 I. C. C. 81.

493. Rates on wrought-iron or steel pipe, in carloads, from and to numerous points in Louisiana, except Shreveport, to and from certain points in Arkansas found unreasonable. Reparation awarded.

494. Rates on like traffic from Shreveport to certain points in Arkansas found not unreasonable.

Wegdahl Elevator Co. v. C., M. & St. P. Ry. Co., 96 I. C. C. 87.

495. Misrouting of a carload shipment of rye from Wegdahl, Minn., to Duluth, Minn., reconsigned to Superior, Wis., found not to have resulted in damage to complainant. Complaint dismissed.

Detweiler Coal Co. v. D. & R. G. W. R. R. Co., 96 I. C. C. 88.

496. Shipments of lump coal, in carloads, from Mutual, Utah, to points in Idaho found to have been overcharged. Reparation awarded.

Tyner Construction Co. v. U. P. R. R. Co., 96 I. C. C. 91.

497. Rate charged on three tank-car loads of fuel oil from Kansas City, Mo., to Kearney, Nebr., found unreasonable. Reparation awarded.

Laumer Lumber Co. v. A. C. L. R. R. Co., 96 I. C. C. 93.

498. Demurrage and penalty charges collected on a car of lumber shipped from Elba, Ala., to Cincinnati, Ohio, held at Latonia, Ky., and reconsigned to Detroit, Mich., found not to have been illegal or unreasonable. Complaint dismissed.

Oakes & Co. v. O. S. L. R. R. Co., 96 I. C. C. 95.

499. Charges applicable on a shipment of canned goods from Fairport, N. Y., to Boise, Idaho, found unreasonable. Waiver of collection of undercharges authorized.

Sugar Bros. Co. v. Y. & M. V. R. R. Co., 96 I. C. C. 97.

500. Rates charged on four carloads of cabbage, shipped in December, 1922, and January, 1923, from St. Francisville, La., to Monroe, La., over an interstate route, found unreasonable. Reparation awarded.

Parkersburg Rig & Reel Co. v. C. R. I. & P. Ry. Co., 96 I. C. C. 99.

501. Rate on fabricated steel tank material, knocked down, in carloads, from Shreveport, La., to El Dorado, Ark., found unreasonable. Reparation awarded.

Piper v. Blair, 96 I. C. C. 102.

502. Defendants' railroad found not to have been or to be a common carrier subject to the interstate commerce act. Complaint dismissed.

South Carolina Produce Asso. v. A. & R. R. Co., 96 I. C. C. 107.

503. Rates on fresh or green vegetables, in certain packages, in carloads, and refrigeration charges from producing districts in South Carolina to destinations principally in New England, eastern trunk-line, and central territories found unreasonable and reasonable rates and charges prescribed.

504. Disposition of other issues temporarily deferred.

Tidal Osage Oil Co. v. Director General, 96 I. C. C. 112.

505. Charges collected on two carloads of wrought-iron pipe shipped November 4 and December 16, 1919, from Chester, and Pittsburgh, Duquesne station, Pa., to Tulsa, Okla., diverted to Wynona, Okla., found inapplicable. Reparation awarded.

Puget Sound-Portland joint passenger-train service, 96 I. C. C. 116.

506. Proposed joint passenger-train service between Seattle, Wash., Tacoma, Wash., and Portland, Oreg., and division of earnings therefrom, found to be in the interest of better service to the public, to promote economy of operation, and not to unduly restrain competition. Contract between the Northern

Pacific Railway Company, Great Northern Railway Company, and Oregon-Washington Railroad & Navigation Company under certain terms and conditions approved.

Nelson Fuel Co. v. C. & O. Ry. Co., 96 I. C. C. 124.

507. Rates on coal, in carloads, from mines on the Greenbrier & Eastern Railroad to interstate destinations found unreasonable and unduly prejudicial. Measure of reasonable and nonprejudicial rates prescribed and reparation awarded. Original report, 83 I. C. C. 737.

Transcontinental Oil Co. v. A. & V. Ry. Co., 96 I. C. C. 136.

508. Rates on naphtha and gasoline, in tank-car loads, from Hodge, Tex., to Blue Creek, W. Va., found unreasonable. Reasonable rate prescribed and reparation awarded.

Galveston Export Co. v. T. & F. S. Ry. Co., 96 I. C. C. 141.

509. Defendants authorized to pay to complainant an allowance of 45 cents per net ton for unloading carload shipments of cottonseed cake, in bulk, at Port Arthur, Tex.

Dering Coal Co. v. C., C. & St. L. Ry. Co., 96 I. C. C. 143.

510. Upon the facts of record; *Held*, That the switch connection asked for by complainant between the track constructed by it from its coal mine near Eldorado, Ill., and the line of defendant is reasonably practicable, can be put in with safety, and will furnish sufficient business to justify its construction and maintenance. Connection ordered under provision of section 1 of the interstate commerce act.

Grain from Kansas City, 96 I. C. C. 154.

511. Proposed increased proportional rates on grain and grain products, in carloads, from Kansas City, Mo.-Kans., to Chicago & North Western Railway stations in Iowa found not justified. Suspended schedules ordered canceled.

Minimum weights on canned goods and vinegar, 96 I. C. C. 157.

512. Proposed increased carload minimum weight in connection with commodity rates applying between points in Illinois rate-committee territory on canned goods of various kinds, vinegar, and certain packing-house products, found not justified. Suspended schedules ordered canceled.

Ayrshire Coal Co. v. S. Ry. Co., 96 I. C. C. 161.

513. Practices of defendant during the period September 1, 1922, to March 31, 1923, in connection with the distribution of coal cars to certain mines operated by complainants in the State of Indiana not found unreasonable or unduly prejudicial. Complaints dismissed.

Marion Glass Dash Co. v. P. R. R. Co., 96 I. C. C. 172.

514. Sixth-class rates on cullet (broken glass), in carloads, from certain points in central territory to Marion, Ind., found not unreasonable or otherwise unlawful. Complaint dismissed.

Transcontinental Oil Co. v. D., L. & W. R. R. Co., 96 I. C. C. 173.

515. Rate on two tank-car loads of kerosene from Fort Worth, Tex., to Waterbury, Conn., found unjust and unreasonable. Reparation awarded.

Stailey Lumber Co. v. P. R. R. Co., 96 I. C. C. 175.

516. Rates on lumber, in carloads, from points in Florida and Georgia to Waverly, N. J., from March 1, 1920, to August 24, 1920, inclusive, found unreasonable. Reparation awarded.

Bash & Co. v. B. & O. R. R. Co., 96 I. C. C. 178.

517. Rates on bituminous coal, in carloads, from mines in Ohio and in the Inner and Outer Crescents to Anderson, Fortville, Yorktown, Pendleton, Muncie, Farmland, Parker City, Middletown, Oakville, Sulphur Springs, Carmel, Horton, Sheridan, Kirkland, Union City, Winchester, and Snow Hill, Ind., found not unreasonable, unjustly discriminatory, or unduly prejudicial, except as provided in our orders in *Ohio-Michigan Coal Cases*, 80 I. C. C. 663, and *Indiana State Chamber of Commerce v. B. & O. R. R. Co.*, 83 I. C. C. 591. Reparation denied.

518. Rates on bituminous coal, in carloads, from mines in Ohio to Huntington, Ind., prior to March 1, 1922, found not unreasonable, unjustly discriminatory, or unduly prejudicial.

519. Rates on bituminous coal, in carloads, from mines in West Virginia to Gary and Michigan City, Ind., during the period from August 26, 1920, to June 30, 1922, found not unreasonable, unjustly discriminatory, or unduly prejudicial.

520. Rates on bituminous coal, in carloads, from mines in the Inner and Outer Crescents and from Cincinnati, Ohio, to Ben Davis, Ind., found not unreasonable, unjustly discriminatory, or unduly prejudicial.

521. Rates on bituminous coal, in carloads, from mines in Kentucky on the Louisville & Nashville to Wabash, Ind., during the period from June 11, 1920, to September 14, 1921, found not unreasonable, unjustly discriminatory, or unduly prejudicial. Six complaints dismissed.

Northwest Potato Exch. v. G. N. Ry. Co., 96 I. C. C. 187.

522. Rates on seed potatoes, in carloads, from Kalispell and other origins in western Montana to destinations in the Yakima district in the State of Washington found not to have been unreasonable. Complaint dismissed.

Soapstone or talc from N. C., 96 I. C. C. 191.

523. Proposed increased rates on soapstone or talc, in carloads, from points in North Carolina to points located principally in central territory found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Oklahoma Millers' Asso. v. A. & V. Ry. Co., 96 I. C. C. 195.

524. Relationship of export rates on wheat and on flour from points in central, north central, and southern Oklahoma to Galveston, Tex., New Orleans, La., and other Gulf ports found upon the complaint submitted and upon this record not unduly prejudicial or unjustly discriminatory. Complaint dismissed.

Grey Iron Casting Co. v. A. & V. Ry. Co., 96 I. C. C. 199.

525. Carload ratings in official and southern classifications and less-than-carload rating in southern classification on cast-iron toys, n. o. i. b. n., found unreasonable. Reasonable ratings for the future prescribed.

Arizona Lumber & Timber Co. v. A. E. R. R. Co., 96 I. C. C. 203.

526. Rates on lumber, box shooks, and articles taking lumber rates, in carloads, from Williams, Flagstaff, and Holbrook, Ariz., to Nogales, Ariz., when destined to points in Mexico, found not unreasonable or otherwise unlawful.

527. Rates on the same commodities, in carloads, from the same points of origin to Naco, Ariz., when destined to Cananea, Mexico, found unreasonable. Reasonable basis of rates prescribed.

528. Reparation denied.

Carnation Milk Products Co. v. A. & W. Ry. Co., 96 I. C. C. 208.

529. Upon complaint attacking commodity rates on canned goods, in carloads, from points throughout the State of Wisconsin, and from St. Paul, Minn., to destinations in the lower Mississippi Valley: *Found*, that the rates from Middleton Wis., St. Paul, and points in Wisconsin taking the same rates as St. Paul, to such destinations are unreasonable. Reasonable basis for the future prescribed.

Carter Oil Co. v. C. B. & Q. R. R. Co., 96 I. C. C. 215.

530. Rates on wrought-iron pipe and oil-well supplies, in carloads, from Walden, Colo., to Casper, Wyo., found unreasonable. Reparation awarded and reasonable rates prescribed.

O-So-Ezy Products Co. v. Director General, 96 I. C. C. 220.

531. Rates from Chicago, Ill., to intermediate points in transcontinental territory on furniture polish in glass, boxed, and in metal cans, boxed, mops and mop handles, in bundles, in mixed carloads and less than carloads, found unreasonable to the extent indicated. Reparation awarded.

Barrett Co. v. Director General, 96 I. C. C. 226.

532. Reparation awarded on certain shipments of rags, waste paper, cotton-seed-hull shavings, and cotton linters, in carloads, from Latrobe to Kingston, Pa., as portions of through movements from various interstate points to Kingston, and denied on others. Original report, 88 I. C. C. 535, modified in part.

Steinhardt & Kelly v. E. R. R. Co., 96 I. C. C. 229.

533. Fifth-class rates on 12 cars of fruits and vegetables, reconsigned from Croxton, N. J., to Philadelphia, Pa. and Washington, D. C., found to have been illegally assessed. Reparation awarded.

Lissberger & Co. v. N. Y., N. H. & H. R. R. Co., 96 I. C. C. 231.

534. Rates on scrap brass and scrap copper, in carloads, from New York, N. Y., to destinations in New England on the New York, New Haven & Hartford Railroad found not unreasonable or unduly prejudicial. Complaint dismissed.

Omaha Chamber of Commerce, v. Director General, 96 I. C. C. 234.

535. Rates charged on a carload of posts from Branson, Mo., to Colome, S. Dak., and on a carload of cedar piling from Arrington, Tenn., to Smithland, Iowa, found to have been in excess of those applicable. Reparation awarded.

Toberman, Mackey & Co. v. C., N. O. & T. P. Ry. Co., 96 I. C. C. 237.

536. Stop-in-transit and reconsignment charges at Cincinnati, Ohio, and Chattanooga, Tenn., applicable on interstate shipments of hay, in carloads, found not unreasonable or otherwise unlawful. Complaint dismissed.

California Packing Corp. v. Director General, 96 I. C. C. 239.

537. Rate on cull apples, in carloads, shipped from Lewiston, Idaho, to San Francisco, Calif., during Federal control found not unreasonable. Forwarding of certain shipments over a route different from that designated by shipper found to have been in accordance with an order of the Director General of Railroads and not to have damaged complainant. Reparation denied and complaint dismissed.

W. Va. Pulp & Paper Co. v. S. Ry. Co., 96 I. C. C. 244.

538. Interstate rate on pulp wood, in carloads, from points in Virginia, North Carolina, South Carolina, Tennessee, and Georgia, to Covington, Va., found unreasonable and unduly prejudicial to complainant and unduly preferential of wood-pulp and paper manufacturers at Coleman, Big Island, and Hopewell, Va., Canton, N. C., Kingsport, Tenn., and Bristol, Va.-Tenn. Reasonable and nonpreferential and nonprejudicial rates prescribed for the future.

Cohn v. C., M. & St. P. Ry. Co., 96 I. C. C. 257.

539. Rates on baled hay, in carloads, from McLaughlin, McIntosh, and Walker, S. Dak., to Sioux City, Iowa, found unreasonable. Reparation awarded.

Crowell Lumber & Grain Co. v. Director General, 96 I. C. C. 259.

540. Shipments of bituminous nut coal in carloads, from Pinnacle and Mount Harris, Colo., to Bradish, Dodge, Ewing, Newman's Grove, Raeville, and Scribner, Nebr., during and since Federal control found to have been misrouted. Reparation awarded.

541. Charges on the same shipments found not in violation of the fourth section.

Trenton Smelting & Refining Co. v. P. R. R. Co., 96 I. C. C. 264.

542. Rates on spelter, in carloads, from Trenton, N. J., to Baltimore and Sparrow's Point, Md., and to Boston and Worcester, Mass., Providence R. I., and Bridgeport, Conn., found unreasonable. Reparation awarded.

McFadden & Bro's. Agency v. St. L. S. W. Ry. Co., 96 I. C. C. 267.

543. Applicable rate on uncompressed cotton, damaged by fire and water, from Pine Bluff, Ark., to Galveston, Tex., found not unreasonable. Complaint dismissed.

Grasselli Powder Co. v. A., C. & Y. Ry. Co., 96 I. C. C. 271.

544. Rates on black powder, in carloads, from Quaker Falls, Pa., to certain destinations in Indiana and Illinois found unreasonable. Reparation awarded and reasonable rates prescribed for the future.

Standard Lumber Co. v. L. & N. R. R. Co., 96 I. C. C. 277.

545. Demurrage charges collected on a carload of lumber shipped from Falco, Ala., to Detroit, Mich., found inapplicable. Refund directed and complaint dismissed.

General Baking Co. v. P. R. R. Co., 96 I. C. C. 280.

546. Rating on printed waxed wrapping paper, in less than carloads, between points in official territory, found unreasonable. Reasonable rating prescribed for the future and reparation awarded.

Texas Chamber of Commerce v. A., T. & S. F. Ry. Co., 96 I. C. C. 283.

547. Rates on vegetable oils, in carloads, from Oklahoma producing points to Sherman, Tex., found unreasonable and unduly prejudicial. Reparation awarded.

Sinclair Oil & Gas Co. v. C. & N. E. Ry. Co., 96 I. C. C. 286.

548. Rate on wrought-iron pipe, in carloads, from Leeray, Tex., to Okemah, Okla., found unreasonable. Reparation awarded.

American Strawboard Co. v. I. C. R. R. Co., 96 I. C. C. 289.

549. Rates on straw, in carloads, from certain points in Illinois to Noblesville, Ind., found not to have been or to be unreasonable. Complaint dismissed.

Capital Warehouse Co. v. Director General, 96 I. C. C. 293.

550. Failure of defendants to accord storage in transit on sisal at Indianapolis, Ind., and Mounds, Ill., found not unreasonable, unjustly discriminatory, or unduly prejudicial.

551. Import rate on sisal, in carloads, from New Orleans, La., to Mounds, and domestic rates on sisal from Mounds to Kansas City, Mo., and from Indianapolis to North Kansas City, Mo., found unreasonable.

552. Reparation awarded and maximum reasonable rate for the future prescribed from Indianapolis to North Kansas City.

553. Other rates assailed found not unreasonable or unduly prejudicial. Complaints in Nos. 12718, 12718 (Sub-No. 1), 12719, 13395, and 13032, except so much of No. 13032 as relates to the rates from New Orleans to Mounds and from Mounds to Kansas City, dismissed.

Mistletoe Creameries v. A., T. & S. F. Ry. Co., 96 I. C. C. 303.

554. Rates on butter, in carloads, from Oklahoma City, Okla., Denver, Colo., Sioux City, Iowa, Aberdeen, S. Dak., points in Kansas, and from Kansas City and St. Louis, Mo., Omaha, Nebr., Louisville, Ky., Cincinnati, Ohio, Chicago, Ill., Minneapolis, Minn., and territories, to Fort Worth, Houston, and San Antonio, Tex., found unreasonable. Reasonable rates prescribed and reparation awarded.

Haydite Co. v. A., T. & S. F. Ry. Co., 96 I. C. C. 312.

555. Reasonable basis of rates prescribed for haydite (a trade name for a manufactured clay product, used as a substitute for sand and gravel in concrete construction) from Kansas City to Memphis, Tenn., and destinations in Iowa, Kansas, Nebraska, Oklahoma, Arkansas, Louisiana, and Texas.

Humphreys Co. v. Director General, 96 I. C. C. 317.

556. Storage charges exacted at Coatesville, Pa., on two carloads of chrome ore shipped from Oakland, Calif., to Coatesville found inapplicable. Reparation awarded.

Roudebush v. A., T. & S. F. Ry. Co., 96 I. C. C. 319.

557. Rates and minimum weight on crushed asphalt rock, in carloads, from Dougherty, Okla., to Kansas City, Mo.-Kans., found unreasonable. Reparation awarded, and rate for the future prescribed.

Craney Island Coal Co. v. C., C. & O. Ry., 96 I. C. C. 322.

558. Rates on bituminous coal from Group 2 mines on the Carolina, Clinchfield & Ohio, in Kentucky and Virginia, to destinations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee found not unreasonable, but unduly prejudicial to the extent that they exceed contemporaneous rates from Steinman and Moss, Va., to the same territory of destination. Undue prejudice ordered removed.

Sand and gravel from Illinois and Wisconsin, 96 I. C. C. 325.

559. Proposed rates on sand and gravel, in carloads, from points in Illinois and Wisconsin on the Chicago & North Western to Chicago, Ill., found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules in conformity with the views herein expressed.

Larrowe Milling Co. v. A. A. R. R. Co., 96 I. C. C. 329.

560. Upon reconsideration statement in original report, 92 I. C. C. 32, that defendants not made parties to the complaint within the statutory period may join in payment of reparation, eliminated.

Minimum weights between Pacific Coast States, 96 I. C. C. 330.

561. Proposed modification of present tariffs by the inclusion of a provision making applicable the minimum weights of the western classification in connection with commodities moving on the minimum class-rate scale in the western classification found not justified. Suspended schedules ordered canceled.

Southland Cotton Oil Co. v. A. & V. Ry. Co., 96 I. C. C. 333.

562. Rates on cottonseed, in carloads, from certain points on the Missouri Pacific in northern Louisiana and southern Arkansas to Jackson, Miss., found unreasonable and unduly prejudicial. Reparation awarded and reasonable and nonprejudicial rates prescribed.

563. Rates from points on the Vicksburg, Shreveport & Pacific to Jackson found not unreasonable or otherwise unlawful.

United Collieries v. S. Ry. Co., 96 I. C. C. 338.

564. Carriers subject to the act are charged with the duty of furnishing cars for transporting traffic originating on their lines.

565. A carrier's obligation to furnish cars for shipments of traffic from points on its line to points on the lines of its connections is joint with the latter; and arrangements between them whereby one carrier undertakes to furnish cars that it is legally incumbent upon the other to furnish do not relieve the latter of its obligation.

566. The Interstate Railroad held not to be a dependent connection of the Southern Railway for the supply of cars for the coal mines served by it under the provisions of paragraph (12) of section 1 of the act.

Randall Bros. v. L. & N. R. R. Co., 96 I. C. C. 342.

567. Certain rates on coal from mines in Tennessee and Kentucky, served by the Louisville & Nashville Railroad Company, to industries in Atlanta, Ga., served by the Fort Valley branch of the Southern Railway Company, found to have been unreasonable in the past. Reparation awarded.

Automatic trail-control devices, 96 I. C. C. 345.

568. As a result of inspection and test, the installation of the automatic train-stop system of the Miller Train Control Corporation on the Chicago division of the Chicago & Eastern Illinois Railway is found to meet the requirements of our specifications and order. Installation approved, except as indicated.

Duquesne Reduction Co. v. P. R. R. Co., 96 I. C. C. 351.

569. Rates on brass and copper ingots, in carloads, from East Liberty, Pa., to various destinations in central and trunk-line territories found unreasonable. Reparation awarded.

Wyoming Coal Co. v. V. Ry. Co., 96 I. C. C. 359.

570. Rates on coal, in carloads, from mines on the Virginian Railway in the New River district of West Virginia to interstate destinations found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future.

Allowances of T. G. S. Co., 96 I. C. C. 371.

571. Rates on sulphur, in carloads, from Gulf Hill, Tex., to interstate destinations, and on imported fuel oil from Texas City, Tex., to Gulf Hill found not unreasonable or unduly prejudicial.

572. Texas Gulf Sulphur Company found not entitled to an allowance from Gulf, Colorado & Santa Fe Railway for services in respect of shipments under those rates.

573. Complaints dismissed and proceedings discontinued.

K. C., M. & O. Divisions, 96 I. C. C. 378.

574. Upon further hearing, findings in original report, 73 I. C. C. 319, modified. Divisions of joint rates on traffic interchanged between the Kansas City, Mexico & Orient lines and their connections found to be unjust, unreasonable, and inequitable. Just, reasonable, and equitable divisions prescribed.

M. & E. R. R. Co. v. C. & E. I. R. R. Co., 96 I. C. C. 402.

575. Divisions accorded complainant out of joint rates on coal from mines on its line to interstate destinations found unjust, unreasonable, and inequitable, but not unjustly discriminatory. Just, reasonable, and equitable division prescribed. Former report, 68 I. C. C. 17, reversed upon further hearing.

New Mexico Corporation Commission v. A., T. & S. F. Ry. Co., 96 I. C. C. 412.

576. Rate on lepidolite ore, in carloads, from Embudo, N. Mex., to Wheeling, W. Va., found unreasonable. Reparation awarded and reasonable rate prescribed for the future.

Switching at Detroit, 96 I. C. C. 415.

577. Upon further consideration, proposed joint switching charges of the Detroit & Western and Wabash at Detroit, Mich., found justified. Findings in original report, 95 I. C. C. 21, modified accordingly.

Naval stores from southern producing points, 96 I. C. C. 417.

578. Respondents authorized to maintain on naval stores to destinations covered by original report, 87 I. C. C. 740, from stations on the Alabama, Tennessee & Northern, rates reflecting the same arbitraries over the trunk-line basis as authorized in original report from stations on the short lines therein described. Supplemental report, 89 I. C. C. to 634.

579. Relief from fourth section of interstate commerce act granted to the Alabama, Tennessee & Northern on above traffic to extent of authorizing maintenance over that line of trunk-line rate basis from Calvert, Ala., and higher rates from intermediate local stations.

St. Louis Traffic Bureau v. A., T. & S. F. Ry. Co., 96 I. C. C. 421.

580. Rates on tripoli, in carloads, moving in interstate and foreign commerce, from Seneca, Mo., to St. Louis, Mo., East St. Louis, Peoria, and Chicago, Ill., and to destinations in central, trunk-line, and Canadian territories found not unreasonable. Rates on said traffic to destinations in central, trunk-line, and Canadian territories found unduly prejudicial. Nonprejudicial relationship prescribed in No. 15586. Complaint in No. 15183 dismissed.

City of Newport News v. B. & O. R. R. Co., 96 I. C. C. 425.

581. Rates on prepared sizes of anthracite coal, in carloads, from the Pennsylvania field to Newport News, Va., found not unreasonable except to the extent that the rates by way of Cape Charles, Va., exceed \$4.30 per long ton. Relative adjustment found unduly prejudicial to Newport News and unduly preferential of Norfolk and Richmond. Nonprejudicial relation of rates indicated.

582. Fourth-section relief granted to extent indicated in the report.

Bogue Supply Co. v. N. C. B. R. R. Co., 96 I. C. C. 434.

583. One car containing mining machinery shipped in August, 1919, from Yerington, Nev., to Salt Lake City, Utah, found to have been misrouted. Reparation awarded.

Kloeber v. N. P. Ry. Co., 96 I. C. C. 437.

584. Rates on peaches, pears, and plums, in baskets, in carloads, from points in the Yakima Valley to interstate destinations found unreasonable.

585. Rates on apples, in bulk or in baskets, in carloads, from and to the same points found unreasonable and unduly prejudicial.

586. Reasonable and nonprejudicial bases of rates prescribed.

G. W. Paper Co. v. M., St. P. & S. S. M. Ry. Co., 96 I. C. C. 444.

587. Upon further consideration of 88 I. C. C. 582, rates on bituminous lump coal, in carloads, from Duluth and West Duluth, Minn., to Ladysmith, Wis., found not unreasonable. Original order vacated and complaint dismissed.

Midland Linseed Products Co. v. N. Y. C. R. R. Co., 96 I. C. C. 447.

588. Rates on linseed-oil meal and oil cake, in carloads, from Edgewater, N. J., to Toledo, Ohio, and Waukegan, Ill., found unreasonable. Reparation awarded.

Jackson Traffic Bureau v. I. C. R. R. Co., 96 I. C. C. 449.

589. Rates on burlap bags, in carloads, from New Orleans, La., to Jackson Miss., found to have been unreasonable. Reparation awarded.

Nestle's Food Co. v. C. & N. W. Ry. Co., 96 I. C. C. 452.

590. Rates on evaporated milk, in carloads, from Lodi and Reedsburg, Wis., to Chicago and Clearing, Ill., found not unreasonable, unjustly discriminatory, or unduly preferential or prejudicial. Complaint dismissed.

Carey Co. v. C., N. O. & T. P. Ry. Co., 96 I. C. C. 455.

591. Rates on prepared roofing and allied articles from Carthage and Lockland, Ohio, to points on defendant's lines in Kentucky and Tennessee intermediate to Knoxville and Chattanooga, Tenn., found to have been and to be unreasonable. Reasonable basis of rates prescribed for the future and reparation awarded.

Cohen v. A., T. & S. F. Ry. Co., 96 I. C. C. 459.

592. Reparation awarded on shipments of cereal beverages, in carloads, from St. Louis, Mo., to Dallas and Fort Worth, Tex. Former report, 88 I. C. C. 143.

Pratt & Lambert v. N. Y. C. R. R. Co., 96 I. C. C. 460.

593. Rates charged on linseed oil, in carloads, from New York Harbor points to Black Rock and Buffalo, N. Y., and Bridgeburg, Ontario, found to have been unreasonable. Reparation awarded.

Fencing material to Kansas, 96 I. C. C. 462.

594. Proposed increased rates on fencing material, reinforcement steel, and related articles from St. Louis, Mo., and related points north and east thereof to destinations in southeastern Kansas found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Lagomarcino-Grupe Co. v. A., T. & S. F. Ry. Co., 96 I. C. C. 465.

595. Rates on bananas, in carloads, from New Orleans, La., and points taking the same rates, to Hannibal, Mo., and points in Iowa, found not unduly prejudicial. Defendants directed to remove fourth-section violations. Complaint dismissed.

Okla. Portland Cement Co. v. St. L.-S. F. Ry. Co., 96 I. C. C. 468.

596. Rates on cement, in carloads, from Ada, Okla., to destinations on the Texas & Pacific, directly intermediate to New Orleans, La., higher than to New Orleans not shown to be unreasonable.

597. Propriety of relationship of the rates to New Orleans and to these intermediate points, under the fourth section, should not be determined in advance of hearing on fourth-section applications.

Ford Roofing Products Co. v. Director General, 96 I. C. C. 471.

598. Rates on coal screenings, in carloads, shipped from Cantrall, Springfield, and Pana, Ill., to Lyons, Iowa, during Federal control found not unreasonable. Complaint dismissed.

Patterson Commission Co. v. C. of G. Ry. Co., 96 I. C. C. 473.

599. Rates on hogs, in carloads, from Atlanta and other points in Georgia to destinations in Ohio and Indiana found not unreasonable or otherwise unlawful. Complaint dismissed.

Amicon Fruit Co. v. N. & W. Ry. Co., 96 I. C. C. 477.

600. Rates on apples, in carloads, from Charles Town, W. Va., to Williamson, W. Va., over an interstate route, on kale, in carloads and less than carloads, from Norfolk, Va., and on potatoes and cabbage, in carloads, from Norfolk and Suffolk, Va., to Williamson, found to have been unreasonable. Reparation awarded.

601. Fourth-section departures found to have been removed.

Chattanooga Mfrs. Asso. v. N. O. & N. E. R. R. Co., 96 I. C. C. 481.

602. Import rate on green coffee, in carloads, from New Orleans, La., to Chattanooga, Tenn., found not unreasonable or otherwise unlawful. Complaint dismissed.

Minnesota Steel Co. v. A., T. & S. F. Ry. Co., 96 I. C. C. 483.

603. Rates on fuel oil from points in Arkansas, Texas, and Oklahoma to Steelton (Duluth), Minn., found unreasonable. Reparation awarded.

Ind. Chamber of Commerce v. A., T. & S. F. Ry. Co., 96 I. C. C. 485.

604. Rates on petroleum and its products, in carloads, from points in Oklahoma to destinations in Indiana found unreasonable. Reasonable rates prescribed for the future and changes suggested in the rates from other points or groups of origin.

Jockusch v. G., C. & S. F. Ry. Co., 96 I. C. C. 500.

605. Following *Clay Grain Co. v. A., T. & S. F. Ry. Co.*, 78 I. C. C. 539, aggregate of line-haul rates and switching charges at Galveston, Tex., on export grain, in carloads, from central and western States found unreasonable. Reparation awarded to such of the complainants and interveners as established proper claim thereto.

Standard Underground Cable Co. v. L. V. R. R. Co., 96 I. C. C. 503.

606. Demurrage charges assessed at Maurer, N. J., on certain carload shipments found inapplicable. Applicable charges found not unreasonable. Reparation awarded.

N. O. Export Co. v. I. C. R. R. Co., 96 I. C. C. 509.

607. Charge for handling cottonseed cake over the Illinois Central docks at New Orleans, La., found applicable and not unreasonable. Complaint dismissed.

Risser v. A., T. & S. F. Ry. Co., 96 I. C. C. 513.

608. Rates charged on live poultry from points west of the Mississippi River and south of the Ohio River to eastern destinations found not unreasonable. Complaints dismissed.

Barber Co. v. C. & N. W. Ry. Co., 96 I. C. C. 516.

609. Rates on crude, fuel, and gas oils, in carloads, from Clay Spur and Osage, Wyo., to points in South Dakota, Iowa, Minnesota, and Wisconsin, found not unreasonable or otherwise unlawful. Complaint dismissed.

Nashville Traffic Bureau v. I. C. R. R. Co., 96 I. C. C. 519.

610. Import rate on green coffee, in carloads, from New Orleans, La., Jacksonville, Fla., Brunswick and Savannah, Ga., and Charleston, S. C., to Nashville, Tenn., found not unreasonable or unduly prejudicial. Complaints dismissed.

Carnegie Steel Co. v. Director General, 96 I. C. C. 527.

611. Delivery charge on ex-lake iron ore, in carloads, at complainant's plant at Youngstown, Ohio, found applicable and not unreasonable.

612. Further found that to charge complainant for a service in excess of the line-haul service, while furnishing an excess service free at competing plants, constitutes undue prejudice to complainant and undue preference of such competitors.

Switching at Kansas City, Mo., 96 I. C. C. 538.

613. Proposed increased switching charges at Kansas City, Mo.-Kans., found justified in part as indicated. Suspended schedules ordered canceled without prejudice to the filing of schedules in conformity with the findings herein.

Des Moines Saw Mill Co. v. Director General, 96 I. C. C. 557.

614. Rates collected on logs 16 feet and under in length, in carloads, which moved during Federal control between points in the State of Iowa found applicable. Complaints dismissed.

Allen v. Director General, 96 I. C. C. 561.

615. Third-class rates on lime-cola sirup shipped during Federal control from Montgomery, Ala., to Mobile, Ala., found inapplicable. Reparation awarded.

Bryant v. P. R. R. Co., 96 I. C. C. 564.

616. Rates on burlap bags, in carloads and less than carloads, from New York N. Y., Philadelphia, Pa., and Baltimore, Md., and points taking the same rates to Alexandria, Va., found unreasonable. Reparation awarded.

617. Fourth-section relief denied.

Arkansas Fertilizer Co. v. Director General, 96 I. C. C. 567.

618. Rate charged on a carload of sulphate of ammonia from Gary, Ind., to Little Rock, Ark., found unreasonable. Reparation awarded.

Suddath v. A. C. L. R. R. Co., 96 I. C. C. 569.

619. Shipment of sweet potatoes from Quitman, Ga., to Tampa, Fla., found misrouted. Reparation awarded.

Mount Vernon Strawboard Co. v. C. & E. I. Ry. Co., 96 I. C. C. 571.

620. Carload rates on coal from Wheatecroft, Ky., to Mount Vernon, Ind., found unreasonable. Reparation awarded and reasonable rate for the future prescribed.

Raleigh Chamber of Commerce v. S. A. L. Ry. Co., 96 I. C. C. 573.

621. Rate on locomotive cranes, with overhanging or detached parts, from Gilmerton, Va., to Greystone, N. C., found not unreasonable, but charges on complainant's shipment, made June 22, 1922, found to have been assessed on a greater weight than provided for in the tariff.

American Lumber & Export Co. v. A., T. & N. R. R. Corp., 96 I. C. C. 576.

622. Demurrage charges assessed on a car of yellow-pine lumber shipped from Millry, Ala., to Oneonta, N. Y., and reconsigned to Carman, N. Y., found unlawful. Reparation awarded.

Glucose products to S. Dak., 96 I. C. C. 579.

623. Proposed increased commodity rates on glucose products from Chicago, Ill., and certain points in Iowa to South Dakota destinations north and west of Sioux Falls and east of the Missouri River, designed to make the commodity rates to these destinations approximately the same percentage of the contemporaneous fifth-class rates as obtains to Sioux Falls, Sioux City, Iowa, Minneapolis, Minn., and other destinations in the same general territory, found not justified.

Sterling Oil & Refining Co. v. Director General, 96 I. C. C. 586.

624. Rates on petroleum residuum, in tank-car loads, from Wichita U. S. Yards, Kans., to Elbing and Peabody, Kans., found not unreasonable. Complaint dismissed.

Foster & Co. v. C. & N. W. Ry. Co., 96 I. C. C. 589.

625. A shipment of canned corn from Sac City, Iowa, to Clarksville, Ark., found misrouted. Reparation awarded.

Virginia Blue Ridge Ry. v. S. Ry. Co., 96 I. C. C. 591.

626. Charges exacted by defendant under the code of per diem rules for the use or detention of foreign freight cars on the line of the complainant found not unjust or unreasonable. Complaint dismissed.

Armstrong Mfg. Co. v. A. & R. R. R. Co., 96 I. C. C. 595.

627. Rates and ratings applicable on electric table stoves, with equipment or cooking utensils, in less than carloads, from Huntington, W. Va., to interstate destinations throughout the United States found not unreasonable or otherwise unlawful. Complaint dismissed.

Paper and paper articles to New Orleans, 96 I. C. C. 600.

628. Fourth-section order No. 8891 modified so far as it authorized the carriers to establish and maintain rates on paper and paper articles, in carloads, from points in Wisconsin, Minnesota, Michigan, and Canada which are higher to Jackson, Miss., than to New Orleans, La. Former report, 88 I. C. C. 345.

Tidewater Coal Exch. v. B. & O. R. R. Co., 96 I. C. C. 612.

629. Demurrage charges on coal held on storage tracks at tidewater coal piers in New York, N. Y., Philadelphia, Pa., and Baltimore, Md., and assessed over a period of 18 months, without objection by complainants, upon the average plan, but without a signed average agreement, found not unreasonable or otherwise unlawful. Complaint dismissed.

Western Pine Lumber Co. v. Director General, 96 I. C. C. 625.

630. Complainant found not entitled to the basis of settlement for the use and detention of foreign freight cars prescribed in *Birmingham Southern R. R. Co. v. Director General*, 61 I. C. C. 551. Complaint dismissed.

Cone & Co. v. Director General, 96 I. C. C. 629.

631. Rates assessed on shipments of hog bristles, in boxes, from Pacific coast ports to New York, N. Y., found applicable, except as indicated in report. Complaint dismissed.

Rail-lake-and-rail rates via Canadian lines, 96 I. C. C. 633.

632. Facts and circumstances surrounding the establishment of through routes between points in the United States partly over Canadian rail lines in connection with the Northern Navigation Company, Limited, a Canadian owned and operated steamship line, covered by tariffs on file with us, and the matter of recognition of those routes under section 27 of the merchant marine act, 1920, considered. Proceeding discontinued.

Indiana rates, fares, and charges, 96 I. C. C. 644.

633. Modification of original order entered in this proceeding, 60 I. C. C. 337, as to rates on coal from points in Indiana to Crawfordsville, Sheridan, Logansport, Monticello, Anderson, and Fort Wayne, Ind., denied.

634. Order modified so as to except from its provisions the rates on sand and gravel from Terre Haute, Ind., to St. Mary's of the Woods, Ind., and from pits of the Neal Gravel Company and Carmichael Gravel Company to Attica, Ind.

Utah Gilsonite Co. v. A., T. & S. F. Ry. Co., 96 I. C. C. 653.

635. Finding in former report, 85 I. C. C. 557, that rates on gilsonite from American, Utah, to destination territory there indicated were and are unreasonable, reversed on further hearing. Rates on gilsonite from Watson, Utah, assailed in the amended complaint, found not unreasonable or otherwise unlawful. Former order vacated and complaint dismissed.

Armour & Co. v. I. C. R. R. Co., 96 I. C. C. 678.

636. Charges on fresh meat and packing-house products, in peddler cars, from East St. Louis, Ill., to points in Indiana and Illinois found to have been unreasonable. Reparation awarded.

Timken-Detroit Axle Co. v. M. P. R. R. Co., 96 I. C. C. 680.

637. Rates charged on fuel oil, in carloads, from El Dorado, Kans., to Detroit, Mich., from February 29 to November 26, 1920, found to have been illegally assessed. Reparation awarded.

Jones & Laughlin Steel Corp. v. B. & O. R. R. Co., 96 I. C. C. 682.

638. Fifth-class rates for the transportation of manufactured iron and steel articles, in carloads, from points in the Pittsburgh district to St. Louis, Mo., and points in Illinois and Indiana found unreasonable and unduly prejudicial. Commodity rates on the same articles from Illinois and Indiana points to the same destinations found to be unduly preferential. Basis of reasonable and non-prejudicial rates prescribed.

Illinois Steel Bridge Co. v. C., B. & Q. R. R. Co., 96 I. C. C. 698.

639. Rate on bridge iron, in carloads, from South Chicago, Ill., and Gary, Ind., to Appleby, Kurth, and Strawn, Tex., found unreasonable. Reparation awarded.

Producers Refining Co. v. St. L. S. W. Ry. Co., 96 I. C. C. 701.

640. Rate charged for the transportation of gasoline, in carloads, from Wichita Falls, Burkburnett, and Fort Worth, Tex., to Milwaukee, Wis., in March and April, 1921, found applicable. Complaint dismissed.

Fertilizers to El Paso, 96 I. C. C. 703.

641. Proposed increased rates on fertilizer, in carloads, from Little Rock, Ark., to El Paso, Tex., and points taking the same rates, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Chapin-Sacks Corp. v. P. R. R. Co., 96 I. C. C. 706.

642. Rates charged on shipments of cream and condensed milk, in cans, moving in less than carloads, from Taneytown, Md., to Hanover, Pa., and thence in carloads to Washington, D. C., Woodstock, Va., Charlotte, N. C., and Jacksonville, Fla., found applicable and not shown to have been unreasonable. Complaint dismissed.

Lumber from Alabama, 96 I. C. C. 709.

643. Proposed cancellation of joint rates on lumber from points in Alabama served by the Alabama, Tennessee & Northern Railroad and by the Washington & Choctaw Railway to points in Canada found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Wet phosphate rock to Jacksonville, 96 I. C. C. 711.

644. Proposed cancellation of commodity rates on wet phosphate rock, in carloads, from interior Florida points to Jacksonville, Fla., for export or to be dried and reshipped by rail or water, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Proportional class rates from upper Mississippi crossings, 96 I. C. C. 715.

645. Proposed cancellation by the Chicago, Milwaukee & St. Paul of its proportional class rates west of Davenport, Iowa, in connection with the Chicago, Rock Island & Pacific from Peoria, Ill., to Davenport, on shipments from points east of the Indiana-Illinois State line to interior Iowa destinations, found not justified. Suspended schedules ordered canceled.

Cement from Kansas City, 96 I. C. C. 718.

646. Proposed reduced rates on cement, in carloads, from Kansas City and Sugar Creek, Mo., and Bonner Springs, Kans., to St. Joseph, Mo., and related points in Kansas and Missouri found unduly prejudicial and preferential and not justified. Suspended schedules ordered canceled.

647. Rates on cement, in carloads, from points in the Kansas gas belt, including Dewey, Okla., to St. Joseph, Mo., and intermediate points in Scale II territory in Missouri found unreasonable, unduly prejudicial, and unduly preferential of Kansas City and Sugar Creek, Mo. Reasonable and nonprejudicial basis prescribed.

Grain to Texas, 96 I. C. C. 727.

648. Proposed joint rates via Kansas City lower than existing combinations on intermediate markets on grain, grain products, and articles taking the same rates, in carloads, from points in Minnesota, Iowa, and Missouri on the Chicago Great Western and certain connecting short lines, to destinations in Texas, found to result in undue prejudice in certain instances to Omaha but in all other respects to have been justified.

Demurrage rules on coke, 96 I. C. C. 731.

649. Proposal of the Missouri Pacific to exempt coke ovens on its line from the operation of demurrage rules found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Casper Chamber of Commerce v. C. & N. W. Ry. Co., 96 I. C. C. 736.

650. Proposed cancellation of distance class rates between points in Nebraska and Wyoming found not justified. Suspended schedules ordered canceled.

651. Class rates to Casper, Wyo., from Omaha, Nebr., Sioux City, Iowa, Kansas City and St. Louis, Mo., St. Paul, Minn., Burlington, Iowa, and Chicago, Ill., and proportional class rates from upper Mississippi River crossings found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed. Reparation denied.

652. Commodity rates to Casper from the points named above found improperly adjusted in some instances but the exact extent thereof not established on this record.

Savannah Traffic Bureau v. A. & R. R. Co., 96 I. C. C. 749.

653. Rates on cotton from certain points on the Central of Georgia, Seaboard Air Line, and Louisville & Nashville concentrated at Savannah, Ga., and thence reshipped to cotton mills in North Carolina and South Carolina, found not unreasonable or unduly prejudicial.

654. Defendants' rules, regulations, and practices governing transit at Savannah on cotton from points in the Southeast, Mississippi Valley, and territory west of the Mississippi River, when destined to cotton mills in North Carolina and South Carolina, or for export, found not unreasonable or unduly prejudicial except as herein indicated.

Krauss Bros. Lumber Co. v. I. C. R. R. Co., 96 I. C. C. 760.

655. Demurrage and penalty charges on one car of lumber shipped from Paden, Miss., to Cairo, Ill., on April 20, 1920, and reconsigned to Cleveland, Ohio, found to have been applicable and not unreasonable. Complaint dismissed.

Jackson Traffic Bureau v. C., B. & Q. R. R. Co., 96 I. C. C. 763.

656. Rate charged on one carload of dried beet pulp from Bayard, Nebr., to Jackson, Miss., found inapplicable and applicable rate found unreasonable. Waiver of undercharges authorized and complaint dismissed.

O'Donnell Mercantile Co. v. L. & N. W. R. R. Co., 98 I. C. C. 1.

657. Charges collected on uncompressed cotton linters, in carloads, from Magnolia, Ark., to St. Louis, Mo., found to have been unreasonable. Reparation awarded.

Vera Chemical Co. v. C., M. & St. P. Ry. Co., 98 I. C. C. 3.

658. Rates on shipments of returned empty steel drums from Groos and Menominee, Mich., and Sartell, Minn., to North Milwaukee, Wis., found unreasonable. Reparation awarded.

Churchill Compresses v. C. & G. R. R. Co., 98 I. C. C. 5.

659. Rate charged on a carload of uncompressed cotton, in bales, from Greenville, Miss., to Dyersburg, Tenn., found unreasonable. Reparation awarded.

Chamberlin & Barclay v. C. S. S. Co., 98 I. C. C. 7.

660. Rate charged on potatoes, in carloads, from Hightstown, Cranbury, Jamesburg, Plainsboro, Prospect Plains, and Windsor, N. J., to Jacksonville, Fla., found to have been unreasonable. Reparation awarded.

Dower Lumber Co. v. N. P. Ry. Co., 98 I. C. C. 9.

661. Rate charged on balsam wool, in carloads, shipped from Minnesota Transfer, Minn., to Tacoma, Wash., found unreasonable. Reparation awarded.

Coal and coke to Atlanta, 98 I. C. C. 11.

662. Proposed restriction of the absorption of switching charges on coal, in carloads, from Louisville & Nashville Railroad stations and mines in Kentucky and Tennessee to points within the switching limits, suburbs, and industrial limits of Atlanta, Ga., as published in the first revised pages 17 and 18 of Louisville & Nashville Railroad Company's tariff I. C. C. No. A-15239 and supplement No. 15 to I. C. C. No. A-15311, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

St. Louis Chamber of Commerce v. A. & V. Ry. Co., 98 I. C. C. 29.

663. Present rates on iron and steel articles, in carloads, from St. Louis, Mo., to destinations in the Mississippi Valley found not unreasonable or, as applied from Louisville, Ky., and other points grouped with St. Louis and in their relation to corresponding rates from competing points in central territory, on the Ohio River, and in the Southeast to the same destinations, unduly prejudicial.

664. Present rates on sewer pipe, in carloads, from St. Louis and points grouped therewith to Mississippi Valley destinations found not unreasonable, but those rates and the corresponding rates from southeastern producing points to the same destinations found to embody a maladjustment which the defendants will be expected to correct not later than June 1, 1925. Record held open meanwhile for such further action or proceedings as may be found necessary or appropriate.

Pensacola Creosoting Co. v. C. of G. Ry. Co., 198 I. C. C. 36.

665. Rate on lumber, in carloads, from Gantt and Sports, Ala., to Pensacola, Fla., found unreasonable. Reparation awarded.

Caddo Central Oil & Refining Corp. v. K. C. S. Ry. Co., 98 I. C. C. 39.

666. Rate on crude oil, in carloads, from Mexia, Tex., and near-by loading stations to Shreveport, La., found not unreasonable or unduly prejudicial. Complaint dismissed.

R. I. Malleable Iron Works v. N. Y., N. H. & H. R. R. Co., 98 I. C. C. 43.

667. Rate on bituminous coal, in carloads, from Boston, Mass., to Hills Grove, R. I., found unreasonable. Reparation awarded.

Los Angeles Pressed Brick Co. v. Director General, 98 I. C. C. 45.

668. Rates charged on 11 carloads of hollow building tile from Alberhill, Calif., to Saticoy, Edfu, and Santa Paula, Calif., between December 2, 1919, and December 20, 1919, found unreasonable. Reparation awarded.

Boston Wool Trade Asso. v. Director General, 98 I. C. C. 48.

669. On further hearing reparation awarded to certain complainants on shipments of wool and mohair, in the grease, from points west of the Missouri River to Boston, Mass., on account of collection of charges found unlawful in original report, 81 I. C. C. 131.

Milwaukee Vinegar Co. v. Director General, 98 I. C. C. 53.

670. Failure or refusal of defendants to furnish grain-car door material on shipments of wet spent grain from Cudahy, Wis., during Federal control not shown to have resulted in any damage to complainant which can be definitely fixed upon the record. Complaint dismissed.

Mississippi R. R. Commission v. A. & R. R. Co., 98 I. C. C. 55.

671. Transportation and refrigeration charges on vegetables, in carloads, from points in Mississippi to interstate destinations found not unreasonable with certain exceptions indicated in the report.

672. Refrigeration charges on tomatoes and cabbage found unreasonable to the extent that they exceed the present charges on other vegetables between the same points.

Union Sulphur Co. v. T. & N. O. R. R. Co., 98 I. C. C. 76.

673. Rates applicable on fuel oil, in tank-car loads, from certain Texas sub-ports to Sulphur Mine, La., shipped between April 9, 1921, and July 26, 1922, inclusive, found not unreasonable. Certain shipments found overcharged and refund directed. Complaint dismissed.

Glass and glassware from Ark., Okla., and Tex., 98 I. C. C. 83.

674. Proposed increased rates on glass bottles, in carloads, and on glass fruit jars, fruit-jar tops, jelly glasses, and tumblers, in straight or mixed carloads, from points in Oklahoma and from Fort Smith and South Fort Smith, Ark., to Mississippi River crossings, Memphis, Tenn., and south, found not justified. Suspended schedules ordered canceled, without prejudice to the establishment of rates as outlined in the report. Fourth-section relief denied.

675. Proposed increased rates on window glass and rough-rolled glass, in carloads, from Oklahoma and Arkansas to points in Texas, found not justified. Suspended schedules ordered canceled.

Routing cement between W. T. L. points, 98 I. C. C. 94.

676. Increased rates which would result from proposed restrictions in the routing of cement from points within the Kansas gas belt and other points to destinations in Oklahoma and Kansas found not justified. Suspended schedules ordered canceled.

Viscose Co. v. P. R. R. Co., 98 I. C. C. 97.

677. Rate on artificial silk, in carloads, from Roanoke, Va., to Marcus Hook, Pa., found not unreasonable. Complaint dismissed.

Orange Chamber of Commerce v. A. & W. Ry. Co., 98 I. C. C. 101.

Upon complaint assailing the rates on lumber, in carloads, to Orange, Tex., applicable to domestic, export, and coastwise movement from various points in Louisiana, and to export and coastwise movement from various points in Texas, *Found*;

678. That to the extent pointed out in the report, the rates assailed from points on the Gulf, Colorado & Santa Fe Railway and the Kansas City Southern system lines, are unduly prejudicial to Orange and unduly preferential of Beaumont, Tex. Undue prejudice ordered removed.

679. That the export rates from points on the International-Great Northern herein complained of are unreasonable to the extent that they exceed the rates from the same points to Orange contemporaneously applicable to the movement of domestic lumber.

680. That except to the extent indicated, the rates assailed are not unreasonable, unduly prejudicial, or otherwise unlawful.

Southern Veneer Asso. v. A. C. L. R. R. Co., 98 I. C. C. 112.

681. Upon further hearing; *Found*, That, except in certain instances, the evidence does not afford a reliable basis for determining the amount of reparation to which complainants may be entitled on shipments of poplar and gum logs covered by the findings in the original report, 62 I. C. C. 669.

Divisions of rates, of M. & N. A. Ry. Co., 98 I. C. C. 119.

682. All carriers whose lines connect directly with the line of the Missouri and North Arkansas having been joined as respondents; *Found*, That other carriers which unite in publishing the interstate joint rates applying to, and which participate in transporting, certain of the traffic interchanged are not necessary parties in a proceeding to determine the divisions of such joint rates between the Missouri and North Arkansas and each of its immediate connections.

683. Finding in the original report, 68 I. C. C. 47, that the Missouri and North Arkansas is a public necessity in its entirety, reaffirmed.

684. Upon consideration of reports of respondent carriers showing fully their experience in handling the interchanged traffic and in dividing the revenues in accordance with the divisions previously prescribed; *Found*, That such divisions are, and for the future will be, just, reasonable, and equitable.

Iron and steel articles from Ohio, 98 I. C. C. 151.

685. Proposed increased interstate rates on iron and steel articles, in carloads, from points on the Wheeling & Lake Erie in Ohio to destinations on the Pittsburgh & Lake Erie in Ohio and Pennsylvania found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Transit on hogs at Watertown, 98 I. C. C. 153.

686. Proposed changes in rules governing transit on hogs at Watertown, S. Dak., which would increase the through charges on shipments moving inbound in single-deck cars and outbound in double-deck cars found justified. Order of suspension vacated and proceeding discontinued.

Grain to Pacific coast, 98 I. C. C. 158.

687. Increased rates which would result from proposed restrictions in the routing of grain from Group G points to California destinations found not justified. Suspended schedules ordered canceled and proceeding discontinued, without prejudice to the filing of schedules in conformity with the findings herein.

Ashes and cinders between I. H. B. R. R. points, 98 I. C. C. 163.

688. Proposed increased interstate rates on ashes and cinders between points on the Indiana Harbor Belt Railroad found not justified. Suspended schedules ordered canceled.

Classification of canned goods, 98 I. C. C. 166.

689. Proposed increases and reductions in less-than-carload ratings on various canned-food products in official classification found justified, except the proposed increases on corn-sirup jelly. Order of suspension vacated in part.

Classification of targets, 98 I. C. C. 178.

690. Proposed changes in classification ratings on targets found not justified. Suspended schedules ordered canceled and proceeding discontinued without prejudice to the filing of new schedules in conformity with the views herein expressed.

Oklahoma Corporation Commission v. A. & S. Ry. Co., 98 I. C. C. 183.

691. Interstate rates and carload minimum weights on cottonseed and related vegetable cakes and meals, in straight or mixed carloads, or mixed with cottonseed hulls, cottonseed-hull ashes or burrs; on cottonseed hulls, in carloads; and on cottonseed and related vegetable oils and vegetable-oil foots and sediments, and on inedible tallow, in carloads; all between points in the Southwest as defined in the report, between those points, on the one hand, and Mississippi River crossings, East St. Louis, Ill., to New Orleans, La., on the other, and from those points to Kansas City, Mo., found unreasonable, and reasonable maximum rates and minimum weights prescribed.

692. Interstate rates and carload minimum weights on cottonseed, in carloads, between points in the Southwest as defined in the report, between those points, on the one hand, and Mississippi River crossings, Memphis, Tenn., to New Orleans, La., on the other, and from those points to East St. Louis, Cairo, and Thebes, Ill., and Kansas City, Mo., found unreasonable, and reasonable maximum rates and minimum weights prescribed.

693. Interstate rates and carload minimum weights on cottonseed and related vegetable oils, foots and sediments, cakes, and meals, cottonseed hulls, and inedible tallow, in carloads, between points in eastern New Mexico and points in Texas differential territory, both as defined in the report, between points in those territories, on the one hand, and points in the Southwest, as defined, and Mississippi River crossings, Memphis, Tenn., and south, on the other hand, and from points in the differential territory and eastern New Mexico to East St. Louis, Cairo, and Thebes, Ill., and Kansas City, Mo., found unreasonable, and reasonable maximum rates and minimum weights prescribed.

694. Interstate rates and carload minimum weights on cottonseed hulls and cottonseed and related vegetable cakes, meals, oils, foots, and sediments, and on

inedible tallow, in carloads, from points in Oklahoma, Arkansas, western Louisiana, and Texas, and from Kennett and Malden, Mo., Mississippi River crossings, Memphis, Tenn., and south, and Loving, N. Mex., to points in Illinois, Missouri, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, northern peninsula of Michigan, North Dakota, South Dakota, and eastern Colorado, including Colorado common points and Cheyenne, Wyo., and from St. Louis, Mo., and East St. Louis and Cairo, Ill., to Colorado common points, found unreasonable, and reasonable maximum rates and minimum weights prescribed.

695. Rates and carload minimum weights on cottonseed and related vegetable cakes and meals and on cottonseed hulls, in carloads, from points in Oklahoma, Texas, Arkansas, and western Louisiana, and from Kennett and Malden Mo., Mississippi River crossings, East St. Louis, Ill., and south, and Loving, N. Mex., to Pacific coast and intermountain territories found unreasonable, and reasonable maximum rates and minimum weights prescribed.

696. Rates and carload minimum weights on cottonseed and related vegetable oils, in carloads, from points in Texas to points in California found unreasonable, and reasonable maximum rates and minimum weights prescribed.

697. Rates and carload minimum weights on cottonseed, in carloads, from points in Arizona and New Mexico on or west of the line of the El Paso & Southwestern Railroad, as described, to points in Texas and Oklahoma found unreasonable, and reasonable maximum rates and minimum weights prescribed.

698. Rates and carload minimum weights on cottonseed and related vegetable oils, cakes, meals, foots, and sediments, and on inedible tallow, in carloads, from points in Oklahoma, Arkansas, western Louisiana, and Texas, and from Loving, N. Mex., to Gulf ports, Houston and Galveston, Tex., to New Orleans, La., inclusive, for export, found unreasonable, and reasonable maximum rates and minimum weights prescribed.

699. Defendants authorized, in establishing the rates prescribed for application between points west of the Mississippi River, on the one hand, and Memphis, Tenn., and east-bank Mississippi River crossings south thereof, on the other hand, to add bridge or ferry tolls not exceeding 2 cents per 100 pounds to the rates based upon distances to or from west-bank points.

700. Adjustment of intrastate rates on cottonseed cake, meal, hulls, and oils, in carloads, between all points in Texas and between all points in Oklahoma, and on cottonseed, in carloads, between points in each of those States for hauls not exceeding 500 miles, and interstate rates on the same commodities between points in those States, found unduly preferential of shippers in such intrastate commerce and unduly prejudicial to shippers in such interstate commerce. Undue preference and prejudice ordered removed and basis prescribed.

701. Fourth-section relief granted defendants to apply via all routes between points in the territories considered herein the lowest rate available via any route under the scales prescribed, and to maintain rates at intermediate points not exceeding the rates named in the aforesaid scales, subject to the limitations prescribed.

702. Reparation awarded in No. 15039.

Erie R. R. Co. v. A. & V. Ry. Co., 98 I. C. 268.

703. Divisions of the joint eastbound transcontinental rates on fresh fruits and vegetables to the Duane Street Station of the Erie Railroad at New York, N. Y., found unjust, unreasonable, and inequitable. Just, reasonable, and equitable divisions prescribed for the future. Adjustment required since September 13, 1922.

704. Divisions on like traffic to Newark, N. J., found not unjust, unreasonable, inequitable, or unduly prejudicial.

Customs examination, 98 I. C. C. 284.

705. Proposed charge for opening, recoopering, and rewinding packages for customs examination at the border ports on import shipments by express from Canada to points in the United States found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules in conformity with the views herein expressed.

Classification of jute packing, 98 I. C. C. 287.

706. Proposed increased rating on jute packing in rope form, in less than carloads, in official, southern, and western classifications, found not justified. Suspended schedules ordered canceled.

Salina Chamber of Commerce v. A. & W. Ry. Co., 98 I. C. C. 290.

707. Rates on clean rice and rice flour, in carloads, from points in Arkansas, interior Louisiana, and Texas to Salina, Kans., found to have been and to be unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future and reparation awarded.

Seavey & Flarsheim Brokerage Co. v. Director General, 98 I. C. C. 295.

708. Rate assessed for the movement during Federal control of two cars of sugar at Sioux City, Iowa, found inapplicable. Reasonable charge prescribed and reparation awarded.

Interchangeable mileage tickets, 98 I. C. C. 298.

709. Upon further consideration of former reports, 77 I. C. C. 200, and 77 I. C. C. 647, and upon further hearing:

Class I steam railroads subject to the interstate commerce act, excepting switching and terminal companies, required to issue on and after July 15, 1925, for use in interstate commerce, interchangeable scrip coupon tickets in denominations of \$15, \$30, and \$90, to be sold at the standard rate of passenger fare for one-way trips.

710. Carriers which at present issue or honor interchangeable scrip coupon tickets under rules and regulations they have established, required to continue the same in effect until further order of the commission; and directed to publish, file, and post tariffs containing the same in the manner specified by law.

711. Class I steam railroads which at present do not issue or honor interchangeable scrip coupon tickets and which are now required to do so, directed to establish rules and regulations and to publish, file, and post tariffs containing the same in the manner specified by law.

712. Proceeding held open to afford opportunity to travelers and carriers to apply for changes or modifications in rules and regulations governing the issue, sale, and use of interchangeable scrip coupon tickets, and to afford opportunity to carriers to apply for exemption from the requirements of the order herein.

Tobacco Merchants Asso. v. P. R. R. Co., 98 I. C. C. 319.

713. Rating of first class on cigars in any quantity found unreasonable on carloads. Rating of second class on carloads, minimum carload 30,000 pounds, prescribed.

Petroleum and petroleum products from Southwestern points, 98 I. C. C. 321.

714. Proposed increased rates on petroleum and its products from Gates and Port Arthur, Tex., and Ardis, La., and other points in Texas and Louisiana to destinations in Kansas Groups 1, 2, and 3, and to certain destinations in Oklahoma found not justified. Proposed schedules ordered canceled.

Bedding livestock, 98 I. C. C. 323.

715. Proposed limitation by carriers in central territory of the amount of bedding to be furnished by them in cars for transportation of livestock found not justified. Suspended schedules ordered canceled.

Stauffer Chemical Co. v. H. & B. V. Ry. Co., 98 I. C. C. 326.

716. Rate on refined sulphur, in carloads, from Bryanmound and Freeport, Tex., to New Orleans, La., and points taking the same rate, found not unreasonable, unjustly discriminatory, or unduly prejudicial.

717. Rates on refined sulphur, in carloads, from Bryanmound and Freeport to certain points in Louisiana intermediate to New Orleans found unreasonable. Reasonable basis prescribed for the future.

Best Foods v. C. R. R. Co. of N. J., 98 I. C. C. 331.

718. Ratings and rates on coconut stearine, in carloads and less than carloads, from Bayonne, N. J., to points in official territory found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future. Reparation awarded.

Becker, Smith & Page v. B. & M. R. R., 98 I. C. C. 337.

719. Rates on oatmeal or ingrain wall paper, in carloads, from North Hossick and Walloomsac, N. Y., and Appleton and Neenah, Wis., to Jersey City, N. J., and Philadelphia, Pa., found not unreasonable but unduly prejudicial. Undue prejudice ordered removed.

Washington Publishers' Asso. v. B. & O. R. R. Co., 98 I. C. C. 339.

720. Rates on newsprint paper, in carloads, from points in New England, New York, and Canada, and from Philadelphia, Pa., to Baltimore, Md., found not unreasonable. Complaint dismissed.

721. Rates from the same points to Washington, D. C., found unreasonable and unduly prejudicial to the extent that they exceed the corresponding rate to Baltimore by more than specified amounts. Reparation awarded.

Portland Traffic & Transportation Asso. v. N. P. Ry. Co., 98 I. C. C. 345.

722. Rates on apples, in carloads, from main-line points in the Yakima Valley in Washington, Carroll and west, to Portland, Oreg., found unreasonable.

723. Rates on vegetables, in carloads, from all points in the Yakima Valley in Washington to Portland, Oreg., found not unreasonable.

724. Rates on apples and on vegetables, in carloads, from all points in the Yakima Valley, in Washington, to Portland, Oreg., found unduly prejudicial to the extent that they exceed by more than 10 cents per 100 pounds the contemporaneous rates on the same traffic to Seattle, Wash.

725. Reasonable and nonprejudicial bases prescribed.

Duluth Chamber of Commerce v. C., St. P., M. & O. Ry. Co., 98 I. C. C. 352.

726. Rates for interstate transportation of fresh meats and packing-house products, in carloads, from Duluth to St. Paul, Minn., found unreasonable and unduly prejudicial to the extent indicated in the report. Reasonable rates prescribed and undue prejudice ordered removed.

Star Pea Huller Co. v. C., N. O. & T. P. Ry. Co., 98 I. C. C. 357.

727. Less-than-carload ratings applied under southern and western classifications on certain types of pea hullers found inapplicable, and applicable ratings found unreasonable. Less-than-carload ratings in southern and western classifications on other types of pea hullers found not unreasonable.

Hopeman Material Co., v. N. P. Ry. Co., 98 I. C. C. 361.

728. Rates on sand and gravel, in carloads, from Muskoda, Detroit, Melvin, and Downer, Minn., to Fargo, Argusville, Amenia, Newman, Vance, Prosper, Emerado, Johnson, Gilby, Meekinock, Jamestown, Casselton, Tower City, Mapleton, Alice, Joliet, Grafton, Drayton, and Manvel, N. Dak.; and on crushed rock, in carloads, from Duluth, St. Cloud, and Sauk Rapids, Minn., to Emerado, Fargo, Devils Lake, Grafton, and Jamestown, N. Dak., found unreasonable. Reasonable basis of rates prescribed. Reparation awarded.

729. Proposed increased rates on sand and gravel, in carloads, from Barnesville, Downer, and Downer Pit, Minn., to Fargo, N. Dak., found not justified. Suspended schedules ordered canceled.

730. Rate on gravel, in carloads, from Melvin, Minn., to Grand Forks, N. Dak., found unreasonable. Reparation awarded.

Colorado & New Mexico Coal Asso. v. D. & R. G. W. R. R. Co., 98 I. C. C. 377.

731. Rates on coal, in carloads, from Colorado and northern New Mexico producing districts to Missouri River points and destinations in Kansas, Nebraska, and western South Dakota found unreasonable to the extent indicated. Maximum reasonable rates prescribed.

732. Screening specifications found unduly prejudicial to the extent indicated.

Eagle-Ottawa Leather Co. v. B. & O. R. R. Co., 98 I. C. C. 400.

733. Failure to transmit diversion orders in accordance with tariff rule found to have resulted in damage to complainant. Reparation awarded.

Plumbers' goods from Mississippi River crossings, 98 I. C. C. 403.

734. Proposed increased proportional rates on chinaware or earthenware plumbers' goods, in carloads, to Oklahoma City, Okla., from upper Mississippi River crossings, on traffic originating at Trenton, N. J., found not justified. Suspended schedules ordered canceled and proceedings discontinued.

Allen Mfg. Co. v. N., C. & St. L. Ry., 98 I. C. C. 405.

735. Rate on stoves and ranges, in less than carloads, from Nashville, Tenn., to Virginia cities found not unreasonable, but for the future unduly prejudicial to the extent that it may exceed the rate contemporaneously maintained from Birmingham, Ala., to the same destinations. Undue prejudice ordered removed.

Japan Cotton Trading Co. v. Director General, 98 I. C. C. 409.

736. Shipments of cotton, in bales, from Hackett, Ark., to Tacoma, Wash., for export, found to have been overcharged. Findings in original report, 88 I. C. C. 407, modified accordingly. Reparation awarded.

Tulsa Fuel & Mfg. Co. v. Director General, 98 I. C. C. 411.

737. Rate on zinc concentrates, in carloads, from Minnequa, Colo., to Collinsville, Okla., found unreasonable. Reparation awarded.

Barker-Evans Paint Co. v. Director General, 98 I. C. C. 414.

738. Rates on ground limestone, in sacks or barrels, in carloads, from Omaha and Ralston, Nebr., to Chicago, Ill., Minneapolis, Minn., St. Louis, Mo., Toledo, Ohio, and Detroit, Mich., during the period of Federal control, found not unreasonable or otherwise unlawful. Reparation awarded on certain shipments found to have been overcharged.

Greif Bros. Cooperage Co. v. Director General, 98 I. C. C. 419.

739. Rate on steel hoops, in carloads, shipped during Federal control from Allegheny, Pa., to Cleveland, Ohio, found unreasonable. Reparation awarded.

Cleveland Provision Co. v. A., T. & S. F. Ry. Co., 98 I. C. C. 421.

740. Rates on steam lard from western rendering points to Cleveland, Ohio, and on refined lard from Cleveland to the Atlantic seaboard, for export, found not unreasonable or unduly prejudicial. Complaint dismissed.

Jewel Tea Co. v. C. R. R. Co. of N. J., 98 I. C. C. 424.

741. Switching charges collected by Hoboken Manufacturers Railroad Company on 32 trap-car loads of less-than-carload freight switched by it from complainant's warehouse at Hoboken, N. J., to the Central Railroad of New Jersey at Weehawken, N. J., for interstate movement, found inapplicable. Reparation awarded.

Cleveland Worsted Mills Co. v. B. & O. R. R. Co., 98 I. C. C. 427.

742. Rates on imported wool in the grease, in machine-pressed bales, in carloads, from Boston, Mass., and New York, N. Y., to Cleveland, Ohio, between February 2, 1922, and March 1, 1923, found unreasonable. Reparation awarded.

Kanawha Black Band Coal Co. v. K. C. Ry. Co., 98 I. C. C. 431.

743. Rates on coal, in carloads, from mines on the Kanawha Central to interstate destinations on the lines of the other defendants found to have been unreasonable. Reparation awarded.

Michigan Electrochemical Co. v. C. & N. W. Ry. Co., 98 I. C. C. 435.

744. Rate on liquid bleach in shipper's tank cars from Menominee, Mich., to Peshtigo, Wis., found unreasonable. Reparation awarded.

Omaha Cold Storage Co. v. C. & N. W. Ry. Co., 98 I. C. C. 437.

745. Rates charged on two carloads of dressed turkeys from Lander and Wheatland, Wyo., to Omaha, Nebr., found not unreasonable. Complaint dismissed.

Jackson Paper Co. v. A. G. S. R. R. Co., 98 I. C. C. 442.

746. Class rates on paper tablets, paper bags, and wrapping paper, in straight and mixed carloads, from Birmingham, Ala., and Atlanta, Ga., to Jackson, Miss., found not unreasonable or otherwise unlawful. Complaint dismissed.

United Engineering & Foundry Co. v. Director General, 98 I. C. C. 447.

747. Charges on sand, in carloads, from Falls Creek, Pa., to Vandergrift, Pa., from January 1, 1918, to December 15, 1919, found not unreasonable. Complaint dismissed.

England, Walton & Co. v. S. Ry. Co., 98 I. C. C. 449.

748. Rates on tanning extract, in carloads, from Newport, Tenn., to Olean, N. Y., found not unreasonable or unduly prejudicial. Complaint dismissed.

Alabama Chemical Co. v. I. T., 98 I. C. C. 451.

749. Two carloads of tankage shipped from Chemical, Ill., to Montgomery, Ala., found not to have been misrouted. Complaint dismissed.

Gallup v. N. Y., N. H. & H. R. R. Co., 98 I. C. C. 453.

750. Upon complaint that attempt of New York, New Haven & Hartford Railroad Company to eject complainant from its produce house at Harlem River

station, New York, N. Y., previously leased to him, and threat to refuse to place cars consigned to him, subjected complainant to unjust discrimination and undue prejudice; *Held*, That complainant has not proven damage by reason of any undue prejudice which may have existed. Complaint dismissed.

Ralston Purina Co. v. Director General, 98 I. C. C. 456.

751. Demurrage assessed at Fort Worth, Tex., on a carload of milo maize shipped from Brawley, Calif., to Fort Worth, Tex., thence reconsigned to St. Louis, Mo., found applicable. Complaint dismissed.

Walsh Fire Clay Products Co. v. C. & A. R. R. Co., 98 I. C. C. 458.

752. Rate on fire brick, in carloads, from Vandalia, Mo., to Pearson, Ark., between February 3 and July 24, 1923, found unreasonable. Reparation awarded.

Liberty Cooperae & Lumber Co. v. C., I. & L. Ry. Co., 98 I. C. C. 461.

753. Combination rate charged on one carload of lumber from Delphi, Ind., to Bay City, Mich., reconsigned to Corry, Pa., found applicable and not unreasonable. Complaint dismissed.

Southern Products Co. v. Director General, 98 I. C. C. 462.

754. Shipments of compressed cotton, in carloads, from Brownsville, Tenn., to Seattle and Tacoma, Wash., for export, found to have been overcharged. Reparation awarded.

Clark Equipment Co. v. C., B. & Q. R. R. Co., 98 I. C. C. 465.

755. Rates on molding sand, in carloads, from Ottawa and Utica, Ill., to Buchanan, Mich., found not unreasonable or otherwise unlawful except to the extent that they exceeded the aggregates of intermediate rates. Reparation awarded.

Fuller Co. v. Director General, 98 I. C. C. 468.

756. Rate on sand, in carloads, from Portsmouth, Ohio, to Charleston, W. Va., found unreasonable. Reparation awarded.

Sabin v. S., P. & S. Ry. Co., 98 I. C. C. 471.

757. Rates charged on steel plates, in carloads, from Johnstown, Coatesville, and Pittsburgh, Pa., Claymont, Del., and Gary, Ind., to Portland, Oreg., found not applicable. Reparation awarded.

758. Findings in original report in No. 12428, 85 I. C. C. 629, affirmed.

Carpenter v. Director General, 98 I. C. C. 476.

759. Refusal and failure of the Director General of Railroads, as agent, to make refund on the unused portion of a mileage book found to result in an overcharge above the legally published charges. Reparation awarded.

Boldt Glass Co. v. C., B. & Q. R. R. Co., 98 I. C. C. 481.

760. Upon rehearing, finding in our original report, 85 I. C. C. 412, that rates on silica sand, in carloads, from Ottawa, Ill., to Carrel Street station, Cincinnati, Ohio, in connection with the Pennsylvania lines, were unreasonable reversed. Complaint dismissed.

761. Proposed rates representing increases to the same basis in connection with other lines found justified. Orders of suspension vacated and proceeding discontinued.

Wyoming Coal Co. v. V. Ry. Co., 98 I. C. C. 488.

762. Rates on coal, in carloads, from mines on the Virginian Railway in the New River district of West Virginia to interstate destinations found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future.

National Asso. of Furniture Mfrs. v. A. A. R. R. Co., 98 I. C. C. 501.

763. Rates on moss in machine-pressed bales, in carloads, from Plaquemine and other producing points in Louisiana to destinations in certain defined territories north of the Ohio and east of the Mississippi Rivers, except from Rosedale, La., and Louisiana points west of the Mississippi River intermediate from Rosedale and Baton Rouge, La., to destinations in those territories intermediate to Albany, Rochester, Syracuse, and Utica, N. Y., found not unreasonable, unjustly discriminatory, or unduly prejudicial.

764. Rates from Rosedale, La., and Louisiana points west of the Mississippi River intermediate from Rosedale and Baton Rouge, La., to destinations in the defined territories named intermediate to Albany, Rochester, Syracuse, and Utica, N. Y., found to have been unreasonable. Reparation awarded.

765. Fourth-section relief denied in part.

Rope Paper Sack Bureau v. A. & V. Ry. Co., 98 I. C. C. 511.

766. Rates and ratings on grain flour, n. o. i. b. n., edible flour, n. o. i. b. n., and corn meal, in rope-stock paper bags, in carloads and less than carloads, when carried under tariffs governed by the southern classification, and in less than carloads when carried under tariffs governed by the western classification, found unjustly discriminatory, unduly prejudicial, and unduly preferential of similar shipments of the same commodities in cloth bags.

Conejos Roller Mills & Mfg. Co. v. Director General, 98 I. C. C. 515.

767. Combination rates charged on wheat, in carloads, shipped during Federal control from various points in Colorado to Antonito, Colo., there milled, and the flour reshipped via Memphis, Tenn., to Nashville, Tenn., found not unreasonable, except to the extent that the rates, applicable on the outbound shipments of flour from Antonito to Nashville, exceeded a rate herein prescribed as reasonable. Reparation awarded.

Texas Cement-Plaster Co. v. A. & M. R. R. Co., 98 I. C. C. 519.

768. Rates on cement plaster, in carloads, from Plasterco, Plasterco Junction, and Hamlin, Tex., to destinations in Alabama, Florida, Georgia, Kentucky, Mississippi, and Tennessee, from and after July 1, 1922, found unreasonable to the extent that they exceeded by more than 20 per cent the rates in effect August 25, 1920, and rates on said commodity from said points of origin to Meridian, Miss., and Middlesborough, Ky., found unreasonable from and after April 1, 1922.

769. Rates on said commodity from said points of origin to destinations in Florida found unduly prejudicial to the extent that they exceeded rates contemporaneously in effect to the same destinations from Acme and Agatite, Tex. Undue prejudice ordered removed.

770. Reparation awarded.

Bryant v. M. C. R. R. Co., 98 I. C. C. 526.

771. Rates on cyanamid, in carloads, from Niagara Falls, Ontario, to Alexandria, Va., found unreasonable. Reparation awarded.

Restriction in routing on lumber, 98 I. C. C. 529.

772. Proposed restrictions in routing on lumber from points served by the Central of Georgia and certain short-line connections to destinations in central, Buffalo-Pittsburgh, and eastern territories found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules in accordance with the findings herein.

Karnowsky v. C., I. & L. Ry. Co., 98 I. C. C. 533.

773. Rates on scrap iron, in carloads, from Rensselaer, Ind., to St. Joseph, Benton Harbor, and Bridgman, Mich., found unreasonable and unduly prejudicial. Reparation awarded.

Fort Smith Rim & Bow Co. v. B. & O. R. R. Co., 98 I. C. C. 536.

774. Rate applicable on wooden wagon bows, in carloads, from Columbus, Ohio, to Sherman and Stamford, Tex., found unreasonable. Reasonable rate prescribed and reparation awarded.

Barse Livestock Commission Co. v. Director General, 98 I. C. C. 539.

775. Charges assessed on 32 mixed carloads of livestock from various points in Texas to North Fort Worth, Tex., found inapplicable. Reparation awarded.

Utah-Idaho Sugar Co. v. Director General, 98 I. C. C. 541.

776. Rate on sugar beets, in carloads, shipped from Talent, Oreg., to Toppenish, Wash., during Federal control, found unreasonable. Reparation awarded.

Continental Oil Co. v. Director General, 98 I. C. C. 544.

777. Rate applicable to petroleum products, in tank-car loads, from Greybull, Wyo., to Belgrade, Mont., during Federal control, found unreasonable. Reparation awarded.

Klein-Simpson Fruit Co. v. Director General, 98 I. C. C. 547.

778. Shipments of returned empty fruit boxes, in carloads, from Los Angeles, Calif., to various points in California during Federal control found overcharged. Reparation awarded.

Alaska Junk Co. v. S., P. & S. Ry. Co., 98 I. C. C. 551.

779. Rate on scrap steel for remelting purposes only found inapplicable on shipments of steel rivets from Vancouver, Wash., to Portland, Oreg. Rates charged found not in violation of section 4. Complaint dismissed.

St. Louis Fruit & Vegetable Dealers Asso., v. L. & N. R. R. Co., 98 I. C. C. 553.

780. Rates charged on tomatoes, in carloads, shipped from St. Louis, Mo., to New Orleans, La., during 1920 and 1921, found applicable. Complaint assailing one such rate charged on certain shipments found barred by the statute of limitations.

781. Rate charged on like shipments made during 1922 and 1923 and the present rate, found not unreasonable or unduly preferential.

782. Complaint dismissed.

Mississippi Pearl Button Co. v. A., T. & S. F. Ry. Co., 98 I. C. C. 560.

783. Rates on clam and mussel shells, in carloads, from points in Illinois to points on the Mississippi River in Illinois and Iowa, not found unreasonable or unduly prejudicial. Complaints dismissed.

Pensacola Chamber of Commerce v. L. & N. R. R. Co., 98 I. C. C. 567.

784. Rates on iron and steel articles and cast-iron pipe, in carloads, from points in Alabama to Pensacola, Fla., found not unreasonable.

785. Rates maintained by defendants for transportation in intrastate commerce of those commodities from certain points in Alabama to Mobile, Ala., found to result in undue prejudice to Pensacola, undue preference of and advantage to Mobile, and unjust discrimination against interstate commerce.

Pioneer Pearl Button Co. v. N., C. & St. L. Ry., 98 I. C. C. 578.

786. Rate of \$10.45 per net ton charged for the transportation of four carloads of mussel shells from Hobbs Island, Ala., to Oswego, Kans., found not unreasonable or unduly prejudicial. Complaint dismissed.

Alton Mercantile Co. v. A. & W. Ry. Co., 98 I. C. C. 581.

787. Denial of reparation in former report, 95 I. C. C. 645, reversed, and reparation awarded.

Briggs & Turivas v. C. & O. Ry. Co., 98 I. C. C. 584.

788. Rates on scrap steel, in carloads, from Penniman, Va., to Chester, Latrobe, and Vandergrift, Pa., and Massillon, Ohio, found unreasonable. Reparation awarded.

Standard Oil Co. v. Director General, 98 I. C. C. 587.

789. Shipments of gasoline and other petroleum products, in carloads, from Sugar Creek, Mo., and El Segundo, Calif., to Blythe, Calif., during Federal control, found overcharged. Reparation awarded.

Noll Lumber Co. v. C. & N. W. Ry. Co., 98 I. C. C. 589.

790. Shipment of cedar posts from Noxon, Mont., to Rushville, Nebr., found overcharged, due to inadequate allowance having been made for snow on the load. Refund directed.

Classification of rags, 98 I. C. C. 591.

791. Proposed increase in the rating on rags, in less than carloads, in official classification, found not justified. Suspended schedules ordered canceled.

Florence Chamber of Commerce v. N. S. R. R. Co., 98 I. C. C. 594.

792. Rate applicable on five carloads of secondhand refrigerators over route specified by shipper from Camp Dix (Wrightstown), N. J., to Sheffield, Ala., found not unreasonable or in violation of the fourth section, but shipments found to have been misrouted. Reparation awarded.

Cosden & Co. v. L. E. & W. R. R. Co., 98 I. C. C. 597.

793. Five carloads of gasoline shipped from Tulsa, Okla., to Rochester, Ind., found to have been overcharged. Refund of overcharges directed, and complaint dismissed.

Mauk Lumber Co. v. Director General, 98 I. C. C. 599.

794. Rates on shingles, in mixed carloads with lumber shipped from Pacific coast points and from Stoltz Mill, British Columbia, to Toledo, Ohio, between June 11 and December 29, 1919, over routes participated in by the Manistique & Lake Superior Railroad, and later reconsigned to other destinations, found not unreasonable. Complaint dismissed.

Grain between Pacific coasts points, 98 I. C. C. 601.

795. Proposed increased rates on grain and grain products between points in Idaho and Washington and Pacific coast points found justified in part and not justified in part. Suspended schedules ordered canceled.

National Asso. of waste material dealers v. D., L. & W. R. R. Co., 98 I. C. C., 606.

796. Defendant's refusal, under tariff provisions, to accept shipments of rags (except in compressed covered bales) and waste paper at its pier freight stations in Manhattan Borough, New York, N. Y., found not unreasonable as to Piers 41 and 68 North River, but unreasonable in part as to Pier 13 North River and Pier 26 East River. Reasonable practices prescribed.

Sugar Bros. Co. v. P. R. R. Co., 98 I. C. C. 613.

797. Rate applicable on two carloads of canned tomatoes from Berlin and Conowingo, Md., to Monroe, La., found to have been unreasonable. Waiver of undercharges authorized, and complaints dismissed.

Prince & Co. v. S. P. Co., 98 I. C. C. 615.

798. Rates on canned goods, in carloads, from Hayward and San Leandro, Calif., to Oakland, Calif., for reshipment by water to interstate destinations, found not unreasonable. Complaint dismissed.

Haas & Co. v. Director General, 98 I. C. C. 619.

799. Defendants' failure to absorb out of the applicable rates the entire compress charge on various shipments of cotton originating and forwarded from Jonesboro, Pine Prairie, and Marmou, La., points on the Chicago, Rock Island & Pacific Railway in Louisiana, compressed at Alexandria, La., and reshipped over the Texas & Pacific Railway to New Orleans, La., found not unreasonable. Complaint dismissed.

Lasker & Bernstein v. Director General, 98 I. C. C. 624.

800. Claim for reparation on two carloads of imported potato starch shipped during Federal control from Seattle, Wash., to New York, N. Y., found barred by the statute. Complaint dismissed.

Commodity rates in southern territory, 98 I. C. C. 627.

801. Proposed cancellation of less-than-carload and any-quantity commodity rates, except on marble, granite, and stone, from points in southeastern and Carolina territories, to destinations in the Mississippi Valley found justified. Orders of suspension vacated.

802. Proposed cancellation of less-than-carload commodity rates on marble, granite, and stone found not justified. Schedules ordered canceled and proceeding discontinued.

Moody Cotton Co. v. Director General, 98 I. C. C. 643.

803. Rates on uncompressed cotton to Galveston, Tex., from Fouke, Womble, Amity, and Gurdon, Ark., found unreasonable. Reparation awarded.

Western Auto Supply Agency v. C., B. & Q. R. R. Co., 98 I. C. C. 647.

804. Rate charged on automobile heaters, in less than carloads, from Chicago, Ill., to San Francisco, Calif., found applicable and not shown to be unreasonable. Complaint dismissed.

Swift & Co. v. G. T. Ry. Co., 98 I. C. C. 649.

805. Charges on sheep and lambs, in double-deck cars, from Montreal, Canada, to New York, N. Y., and Somerville, Mass., found not unreasonable. Complaint dismissed.

Memphis-Southwestern investigation, 98 I. C. C. 654.

806. Upon further hearing, findings in 77 I. C. C. 473, with respect to rates on fruits and vegetables, other than potatoes, in carloads, between St. Louis, Mo.,

Memphis, Tenn., and other Mississippi River crossings on the one hand, and points in Arkansas, southern Missouri, and western Louisiana on the other, modified.

Mich. Traffic League v. A. A. R. R. Co., 98 I. C. C. 660.

807. Class rates, and commodity rates bearing a direct relation thereto, between points in the Lower Peninsula of Michigan north of the main line of the Michigan Central Railroad from Detroit, Mich., to Chicago, Ill., and points in central territory on and south of that line found unreasonable and unduly prejudicial. Reasonable basis of rates prescribed. Former report, 85 I. C. C. 47, modified.

Wash. Publishers' Asso. v. B. & O. R. R. Co., 98 I. C. C. 668.

808. Rates on newsprint ink, in carloads, from Bayonne, Hoboken, and Jersey City, N. J., Brooklyn and New York, N. Y., Boston and Morrills, Mass., and Philadelphia, Pa., to Washington, D. C., and Baltimore, Md., found not unreasonable. Complaint dismissed.

Class and commodity rates from New Orleans, 98 I. C. C. 673.

809. Application for authority to establish rates on classes and commodities from New Orleans, La., and points taking same rates or arbitraries higher, to destinations east and north of Kansas City, Mo., and west of the Indiana-Illinois line without observing the long-and-short-haul provision of section 4 of the act, granted except as to rates on asphalt.

Transit on grain in the northwest, 98 I. C. C. 679.

810. Proposed reestablishment of transit charge on carload shipments of grain originating in Montana and coarse grains originating in transcontinental Groups F, G, and J, milled in transit at intermediate points and products forwarded, through north Pacific ports by water to points in California, found justified. Order of suspension vacated and proceeding discontinued.

Vinegar from Oklahoma City, 98 I. C. C. 688.

811. Subject to the conditions named in the report, fourth-section relief granted with respect to rates on vinegar from Oklahoma City, Okla., to points in Texas.

Fargo Commercial Club v. A. & W. Ry. Co., 98 I. C. C. 691.

812. Class rates from St. Paul, Minneapolis, and Duluth, Minn., and Superior, Wis., and related points taking the same rates, to Valley City and Jamestown, N. Dak., found unreasonable and unduly prejudicial. Reasonable basis of rates prescribed. Rates on certain commodities from and to the same points found unduly prejudicial. Undue prejudice ordered removed.

813. Class rates from St. Paul, Minneapolis, Minnesota Transfer, Cloquet, Duluth, and West Duluth, Minn., and Superior and South Superior, Wis., to Fargo, N. Dak., found not unreasonably high, but unduly prejudicial to Fargo, unjustly discriminatory against interstate commerce, and unduly preferential of Moorhead, Minn. Reasonable maximum rates determined and nonprejudicial basis of rates prescribed.

814. Rates on certain commodities from St. Paul and Minneapolis to Fargo found unduly prejudicial to Valley City and Jamestown. Undue prejudice ordered removed.

815. Classification exceptions on certain articles from St. Paul and Minneapolis to Fargo found unduly prejudicial to Valley City and Jamestown. Undue prejudice ordered removed.

816. Class rates from Fargo to points in Minnesota 150 miles and less from Fargo found not unreasonably high, but unduly prejudicial to Fargo, unjustly discriminatory against interstate commerce, and unduly preferential of Moorhead and other Minnesota points. Reasonable maximum rates determined and nonprejudicial basis of rates prescribed.

817. Class rates from Chicago, Ill., to Fargo found unreasonable and unduly prejudicial to Fargo and unduly preferential of St. Paul and Minneapolis. Reasonable rates prescribed. Defendants given 90 days within which to remove remaining undue prejudice.

818. Class rates from all points east of Chicago in central, trunk-line, and New England territories to Fargo found unreasonable. Reasonable proportional rates from Chicago on traffic from such points prescribed.

819. Class rates from Duluth to Fargo on lake-and-rail and rail-lake-and-rail traffic from beyond Duluth found unreasonable. Reasonable proportional rates prescribed.

820. Class rates from Fargo to points in Montana found not unreasonable, and to points in eastern Montana and to Montana points more than 900 miles from Fargo found not unduly prejudicial, but to Malta, Melstone, and Myers, Mont., and to all Montana points west thereof not more than 900 miles from Fargo found unduly prejudicial to Fargo and unduly preferential of St. Paul and Minneapolis. Nonprejudicial basis of rates prescribed.

821. Class rates from Omaha, Nebr., and Kansas City, Mo., and points taking same rates to Fargo found unreasonable, but not unduly prejudicial. Reasonable rates prescribed.

822. Class rates from points in California, Nevada, and Utah to Fargo found unreasonable and unduly prejudicial. Reasonable and nonprejudicial basis of rates prescribed.

Electric railway mail pay, 98 I. C. C. 737.

823. Present rates of pay for transportation of mail on passenger cars, on baggage or express cars, and in baggage and express compartments in passenger cars found fair and reasonable.

824. Fair and reasonable rates for transportation of mail in independent cars, and in railway post-office cars and railway post-office apartments in cars, prescribed for the future.

825. Rules for the computation of the space to be paid for in connection with independent cars and railway post-office cars and apartments prescribed. Original report, 58 I. C. C. 455.

Newport News Shipbuilding & Drydock Co. v. L. & N. R. R. Co., 100 I. C. C. 1.

826. Rate of fuel oil, in carloads, from Pryse, Ky., to Newport News, Va., found unreasonable. Reparation awarded.

Peyton Packing Co. v. A. E. R. R. Co., 100 I. C. C. 4.

827. Proposed increased rates on livestock between points in Arizona and New Mexico on the one hand, and Deming, N. Mex., and El Paso, Tex., on the other, found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules publishing the proposed reduced rates.

828. Interstate rates to El Paso, Tex., on livestock from points in Texas differential territory, New Mexico, and Arizona not shown to have been or to be unreasonable or otherwise unlawful, except that rates on certain livestock from the Phoenix division of the Arizona Eastern are found unreasonable and unduly prejudicial to the extent they exceed rates established upon the scale contemporaneously applicable from the same points to Los Angeles, Calif. Reparation awarded.

829. Rates on fresh meats and packing-house products, including vegetable cooking oils and lard substitutes, in carloads, from El Paso to points in Arizona and New Mexico found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed and reparation awarded.

830. Interstate rates maintained on peddler-car quantities of fresh meats and packing-house products from Fort Worth, Tex., Oklahoma City, Okla., and Wichita, Kans., to points in Texas differential territory, New Mexico, and Arizona found to result in undue preference of packers at the said points of origin and undue prejudice to complainant packer at El Paso. Basis for removal of the undue prejudice prescribed for the future.

831. Rates on cottonseed oil, cake, meal, and hulls from Los Angeles, El Centro, and Calexico, Calif., and from Phoenix, Ariz., to El Paso found unreasonable. Reasonable rates prescribed for the future.

832. Rates on ice, in carloads, from El Paso to points in New Mexico and Arizona found unreasonable. Reasonable rates prescribed for the future.

Kirschbraun & Sons v. G. N. Ry. Co., 100 I. C. C. 28.

833. Rates on interline shipments of milk and cream, in cans, from points in Iowa and South Dakota to Omaha, Nebr., handled in connecting express and baggage services or in the respective baggage services of the connecting lines, found unreasonable. Reasonable basis of rates prescribed for the future.

834. Second-class express rates on cream from Cooks, Humboldt, and Trenary, Mich., to Green Bay, Wis., found to have been unreasonable.

835. Charges upon like traffic for single line hauls in baggage service from points in Iowa to Omaha over indirect routes found not unreasonable, but new and more direct interline routes and rates based upon such distances prescribed for the future.

836. Reparation awarded on certain shipments.

Golden Eagle Milling Co. v. B. E. R. R. Co., 100 I. C. C. 41.

837. Rates on grain and grain products, in carloads, from certain points in Utah, Idaho, Montana, Wyoming, and Oregon to Petaluma, Calif., found not unreasonable, but unduly prejudicial. Undue prejudice ordered removed.

Morehead & North Fork R. R. Co. v. C. & O. Ry. Co., 100 I. C. C. 45.

838. Charges exacted by the defendant under the code of per diem rules for the use or detention of foreign freight cars on the line of the complainant found not unjust nor unreasonable. Complaint dismissed.

Potatoes and onions to California, 100, I. C. C. 49.

839. Proposed reduced rates on potatoes and onions, in carloads, from certain points in Colorado, Utah, and Wyoming found justified. Order of suspension vacated and proceeding discontinued.

Oakland Chamber of Commerce v. S. P. Co., 100 I. C. C. 55.

840. Interstate class rates between Oakland, Calif., and various destinations in California and Nevada found not unreasonable or unduly prejudicial as compared with class rates between San Francisco and said points. Complaint dismissed.

Fertilizers from New Orleans, 100 I. C. C. 64.

841. Proposed increased rates on imported and coastwise shipments of fertilizer and fertilizer material from New Orleans, La., and subports to points in Louisiana found justified. Order of suspension vacated and proceeding discontinued.

Cancellation of rates and routes via Miss. Cent., 100 I. C. C. 71.

842. Proposed tariff changes in rates, fares, and charges over the Natchez route issued in connection with discontinuance of the Mississippi Central's operations and trackage arrangements between Hattiesburg, Miss., and Mobile, Ala., found not justified in certain respects and justified in others.

843. Through route and joint rates and divisions of joint rates on lumber and forest products, in carloads, from certain points in Mississippi to Mobile over the Natchez route prescribed for the future in Nos. 16774 and 16764.

California Growers' & Shippers' League v. S. P. Co., 100 I. C. C. 79.

844. Rates on fresh deciduous fruits other than apples, in carloads, from California points to eastern transcontinental groups found not unreasonable or unduly prejudicial. Complaint dismissed.

Galveston Commercial Asso. v. G. H. & S. A. Ry. Co., 100 I. C. C. 110.

845. Rates on certain commodities in export, import, or coastwise movement via Galveston, Tex., found unduly prejudicial to Galveston and unduly preferential of New Orleans, La. Bases for nonprejudicial rates prescribed.

Furniture from southern points, 100 I. C. C. 127.

846. Proposed revision of rates on furniture, including chairs and mattresses, in carloads and less than carloads, and of the carload minima thereon, moving from southern manufacturing points to trunk-line and New England territories, found justified. Order of suspension vacated and proceeding discontinued.

847. Findings in original report in No. 13934, 91 I. C. C. 27, affirmed.

848. Relief sought in fourth-section applications Nos. 458 and 1952 denied.

Borden Co. v. A. A. R. R. Co., 100 I. C. C. 153.

849. Joint rates on tin plate, in carloads, from McKeesport, Pa., Yorkville, Ohio, and Cumberland, Md., to New London, Wis., found unreasonable. Reasonable rates for the future prescribed. Reparation denied.

Rates on cotton to Gulf ports, 100 I. C. C. 159.

850. Practice of applying interstate domestic rates on shipments of cotton delivered to warehouses and compresses at the Gulf ports, where delivery is effected at a point other than ship side, found not illegal.

851. Present relationship between the domestic and export rates found unduly prejudicial to warehouses and compresses located at interior points and back from the water front at the ports, and unduly preferential of warehouses and compresses located on the water front. Carriers directed to readjust their rates so that the export rates will not exceed the domestic rates by more than the wharfage charges.

Indiana rates, fares, and charges, 100 I. C. C. 169.

852. Upon further hearing order entered pursuant to our findings in the original report, 60 I. C. C. 337, modified so as to except from its provisions certain intra-state rates on coal in Indiana.

Atlas Metal Works v. A. C. & Y. Ry. Co., 100 I. C. C. 173.

853. Rates on certain iron and steel articles, in carloads, from various points in Ohio, Kentucky, Indiana, Alabama, Illinois, Pennsylvania, New York, and Missouri to Dallas, Fort Worth, and Harbys, Tex., found unreasonable. Bases for award of reparation and reasonable rates for the future prescribed.

Mason Valley Mines Co. v. W. P. R. R. Co., 100 I. C. C. 180.

854. Upon further hearing in *Mason Valley Mines Co. v. W. P. R. R. Co.*, 64 I. C. C. 477, and upon original hearing of consolidated cases, the rates prescribed in the above-cited case for the transportation of ores and concentrates, in carloads, from Paxton and Engels, Calif., to Wabuska, Nev., modified; and rates on ores and concentrates, in carloads, from Spring Garden, Paxton, Engels, and certain other points in Plumas County, Calif., to Wabuska found for the future unduly prejudicial to Wabuska and unduly preferential of Garfield and International, Utah. Nonprejudicial basis of rates prescribed.

855. Divisions accruing to the Indian Valley Railroad out of the joint rates on ores and concentrates, in carloads, from local stations on its line to Wabuska, Nev., found unjust, unreasonable, inequitable, and unduly prejudicial as between the carriers parties thereto to the extent that they are not the same as out of the corresponding rates contemporaneously maintained on like traffic from the same points of origin to Utah smelters. Like divisions out of corresponding rates to Utah smelters and to Wabuska required. A statement of divisions required to be filed.

Tin cans from C. F. A. points, 100 I. C. C. 208.

856. Proposed increased rates and increased minimum weight on tin cans, in carloads, from points in Illinois to points in Michigan, Minnesota, and Wisconsin, found not justified. Suspended schedules ordered canceled.

Sand to Mich., 100 I. C. C. 213.

857. Proposed increased rate on sand, in carloads, from Eau Claire, Wis., to Detroit, Mich., found not justified. Suspended schedules ordered canceled.

Class rates from eastern points, 100 I. C. C. 215.

858. Proposed increased class rates from Virginia cities and points taking same rates, or rates made differentials higher, to destinations on the Charleston division of the Baltimore & Ohio found not justified. Suspended schedules ordered canceled and proceeding discontinued.

McLeod v. T. & P. Ry. Co., 100 I. C. C. 219.

859. Previous finding, 89 I. C. C. 356, that joint rates on gasoline, in carloads, from points in Texas and Oklahoma to destinations in California and Washington were unreasonable, reversed upon further consideration. Complaint dismissed.

Rose Lake Lumber Co. v. O. S. L. R. R. Co., 100 I. C. C. 221.

860. Rate charged on shipment of lumber from Rose Lake, Idaho, to Danvers, Ill., found inapplicable. Reparation awarded.

Nash Spokane Co. v. Director General, 100 I. C. C. 223.

861. Rate on watermelons and vegetables from Merced, Calif., to Spokane, Wash., found unreasonable to the extent that it exceeded the aggregate of the intermediate rates. Reparation awarded.

862. Rates on the same commodities from certain other points in California to Spokane found not unreasonable.

Dunn v. Amer. Ry. Ex. Co., 100 I. C. C. 229.

863. Express rates on corpses not shown unreasonable. Complaint dismissed.

Standard Paving Co. v. A. T. & S. F. Ry. Co., 100 I. C. C. 233.

864. Rates on liquid and solid asphalt, in carloads, from Port Neches, Tex., and points taking the same rates, to Tulsa, Okla., found not unreasonable. Complaint dismissed.

Ryan Fruit Co. v. Director General, 100 I. C. C. 237.

865. Rate charged on two carloads of grapefruit from Largo, Fla., to Seattle, Wash., during the period of Federal control found unreasonable. Reparation awarded.

866. Heater-service charge found applicable and one shipment found undercharged. Amount of undercharge taken into account in award of reparation.

International Vegetable Oil Co. v. A., T. & S. F. Ry. Co., 100 I. C. C. 240.

867. Rates on cottonseed, in carloads, from points in Oklahoma to Dallas and Fort Worth, Tex., found unreasonable. Reparation awarded.

Hunt-Spiller Mfg. Corp. v. Director General, 100 I. C. C. 243.

868. Rate charged on pig iron, in carloads, from Everett and Earlston, Pa., to Boston, Mass., found unreasonable. Reparation awarded.

Parkersburg Rig & Reel Co. v. G., C. & S. F. Ry. Co., 100 I. C. C. 245.

869. Rates on fabricated steel tank material, knocked down, and steel pipe, from Houston, Orange, Iowa Park, and Kosse, Tex., to El Dorado and Smackover, Ark., found unreasonable. Reparation awarded and reasonable rates prescribed for the future.

Stanley Lumber Co. v. A. & V. Ry. Co., 100 I. C. C. 249.

870. Rates on lumber, in carloads, from Knoxo and Kokomo, Miss., to points in Illinois, Indiana, Michigan, Kentucky, Ohio, and Missouri, found not unreasonable. Reparation denied. Complaint dismissed.

Bolz Cooperage Corp. v. Director General, 100 I. C. C. 251.

871. Rates on barrel material, in carloads, from Lake Village, West Memphis, Helena, and McGehee, Ark., and Pascola, Mo., to Key West, Fla., for export, found not to have been unreasonable. Complaint dismissed.

Carnation Milk Products Co. v. A., T. & S. F. Ry. Co., 100 I. C. C. 254.

872. Rates on condensed and evaporated milk, in cans, in carloads, from Lupton and Johnstown, Colo., to points in Oklahoma found not unreasonable, but unduly prejudicial. Undue prejudice ordered removed and reparation denied.

Lambertson Co. v. C. R. R. Co. of N. J., 100 I. C. C. 259.

873. Damage caused by delay in transportation of one car of potatoes from Freehold, N. J., to Statesville, N. C., found not to have resulted from violation of any provision of the interstate commerce act. Complaint dismissed.

Bradford Rig & Reel Co. v. Director General, 100 I. C. C. 261.

874. Upon further hearing, former finding that rates on rig irons, in carloads from Iola, Kans., to Tulsa, Okla., were unreasonable reversed, former order vacated, and complaint dismissed. Original report herein, 80 I. C. C. 335.

Chicago Livestock Exch. v. A. T. & S. F. Ry. Co., 100 I. C. C. 266.

875. Upon further hearing, reparation found due on account of the unlawful collection of separate charges for the loading and unloading of livestock, in carloads, at the Chicago stockyards. Former report, 58 I. C. C. 164.

Class rates between Mo. and interstate points, 100 I. C. C. 274.

876. Schedules proposing readjustment of class rates to and from points in southern Missouri from and to certain points and described territories found not justified. Suspended schedules ordered canceled without prejudice to establishment of rates in accordance with findings.

877. Fourth-section relief granted to the extent indicated.

Corley v. Director General, 100 I. C. C. 293.

878. Class D rate on coal, in carloads, from Breed to Colorado Springs, Colo., during Federal control found unreasonable. Reparation awarded.

H-O Cereal Co. v. A. T. & S. F. Ry. Co., 100 I. C. C. 297.

879. Rates on rolled oats, in carloads, from Buffalo, N. Y., to various destinations in California, Nevada, Oregon, and Washington found not unreasonable or unjustly discriminatory. Complainant not shown to have been damaged by any undue prejudice which may have existed. Complaint dismissed.

Smith & Duckworth v. C. C. C. & St. L. Ry. Co., 100 I. C. C. 300.

880. Rules, regulations, and practices relating to the weighing and reweighing of bituminous coal, in carloads, found not unreasonable or otherwise unlawful. Complaints dismissed.

Moore Lawless Grain Co. v. M. P. R. R. Co., 100 I. C. C. 303.

881. Charges assessed on wheat, in carloads, from Kansas City, Mo., to various interstate destinations accorded transit at Leavenworth, Kans., Sweet Springs and Marshall, Mo., found applicable and not unreasonable, unjustly discriminatory, or unduly prejudicial, but shipment accorded transit at Sweet Springs found to have been overcharged.

882. Charges assessed on wheat from St. Joseph, Mo., to Cannon Falls and Lake City, Minn., accorded transit at Leavenworth found not to have been unreasonable, unjustly discriminatory, or unduly prejudicial.

883. Refund of overcharge directed and complaint dismissed.

Oklahoma Traffic Asso. v. C. R. I. & P. Ry. Co., 100 I. C. C. 307.

884. Rates on peanuts, shelled or unshelled, in carloads, from Suffolk, Franklin, Norfolk, and Petersburg, Va., and other points in Group A to McAlester, Shawnee, and Oklahoma City, Okla., found unreasonable. Maximum reasonable rates prescribed and reparation awarded.

Colorado Culvert & Flume Co. v. A. T. & S. F. Ry., Co., 100 I. C. C. 311.

885. Finding in former report, 83 I. C. C. 267, that rates on galvanized corrugated riveted sheet-iron and sheet-steel culverts or culvert pipe, in carloads, from Pueblo, Colo., to points in certain other States were applicable and not unreasonable, but unduly prejudicial, affirmed on further hearing.

Western Metals Co. v. Director General, 100 I. C. C. 314.

886. Rate on zinc ore, in carloads, from Murray and Midvale, Utah, to Canon City, Colo., during Federal control found unreasonable. Reparation awarded.

Kieckhefer Container Co. v. C. & N. W. Ry. Co., 100 I. C. C. 317.

887. Factor from Appleton Junction, Wis., of combination rates on pulp wood, in carloads, shipped during Federal control, from Keith, Eberlein Spur, and Jones Siding, Wis., to Kaukauna, Wis., found not unreasonable. Complaint dismissed.

Northern Grain & Warehouse Co. v. O. S. L. R. R. Co., 100 I. C. C. 319.

888. Reparation denied on interstate shipments of grain and grain products, in carloads, from points in Idaho, Montana, Oregon, and Washington to destinations in California, Oregon, Washington, Utah, Minnesota, Missouri, and Tennessee, between November 20, 1921, and January 6, 1922. Complaints dismissed.

Jonesboro Freight Bureau v. St. L.-S. F. Ry. Co., 100 I. C. C. 324.

889. Rates on lumber, other than pine, in carloads, from Jonesboro, Ark., to Des Moines, Iowa, found unduly prejudicial. Nonprejudicial rates prescribed.

890. Fourth-section relief denied.

Memphis Freight Bureau v. B. & O. R. R. Co., 100 I. C. C. 327.

891. Rates on plate glass, in carloads, from Toledo and Rossford, Ohio, Saginaw, Mich., and Blairsville, Pa., to Memphis, Tenn., found not unjustly discriminatory or unduly prejudicial, and not unreasonable except to the extent that they exceeded the aggregate of the intermediate rates contemporaneously in effect. Reparation awarded.

Glidden Co. v. E. R. R. Co., 100 I. C. C. 331.

892. Rates charged on China-wood oil, in carloads, from Seattle and Tacoma, Wash., and San Francisco, Calif., to Cleveland, Ohio, found not unreasonable. No damage shown to have resulted from any undue prejudice which may have existed. Refund of overcharges directed. Complaint dismissed.

National Lumber Co. v. N. O. & N. E. R. R. Co., 100 I. C. C. 334.

893. Shipment of lumber from Picayune, Miss., to New York, N. Y., found not to have been misrouted. Complaint dismissed.

Butterworth-Judson Corp. v. Director General, 100 I. C. C. 337.

894. Switching charges of 30 cents per ton assessed during Federal control on carload movements between points in complainant's plant at Newark, N. J., found applicable and not unreasonable. Reparation awarded for certain overcharges.

General Motors Corp. v. Director General, 100 I. C. C. 341.

895. Applicable demurrage charges collected during Federal control for the detention at Detroit, Mich., of 175 cars of sand and gravel found not unreasonable. Refund of certain charges illegally collected directed, and complaint dismissed.

Houston Packing Co. v. B. & M. R. R., 100 I. C. C. 345.

896. Rail-and-water and rail-water-and-rail rates on lard substitutes, green salted hides, and refuse grease, in carloads, from Houston, Tex., to New York, N. Y., and other eastern points, found not unreasonable.

897. Rail-water-and-rail rate on refuse grease, in carloads, from Houston to Newark, N. J., found to have been unreasonable. Reparation awarded.

Coal, from Indiana mines, 100 I. C. C. 350.

898. Proposed cancellation of joint rates on coal, in carloads, from mines on the Brazil branch of the Cincinnati, Indianapolis & Western to Chicago, Ill., and certain other destinations, and proposed cancellation of participation by the Chicago, Attica & Southern in certain joint rates, found not justified. Suspended schedules ordered canceled.

Carnegie Steel Co. v. P. R. R. Co., 100 I. C. C. 353.

899. Rates on bituminous coal, in carloads, from Folks and Narva, Ohio, to Munhall, Pa., found to have been unreasonable to the extent that they exceeded subsequently established rates based on a differential of 30 cents per ton over the rates to Pittsburgh, Pa. Reparation awarded and rates on the prescribed basis required for the future.

900. Rates on the same commodity from points in Kentucky, Virginia, and West Virginia to Clairton, Pa., found not unreasonable.

Funsten Co. v. A. & V. Ry. Co., 100 I. C. C. 357.

901. Rates on pecans, in carloads, from points in Texas, Oklahoma, and Louisiana, and from Natchez and Vicksburg, Miss., to St. Louis, Mo., and Chicago, Ill., found not unreasonable or otherwise unlawful. Complaints dismissed.

Maxwell Motor Corp. v. B. & O. R. R. Co., 100 I. C. C. 363.

902. Rates and carload minima on unfinished open-model passenger automobile bodies, in carloads, from Dayton, Ohio, to Detroit, Mich., and Windsor, Ontario, Canada, found not unreasonable or unduly prejudicial. Complaint dismissed.

Sulphur to California terminals, 100 I. C. C. 369.

903. Application for further authority to establish lower rates on sulphur from points in Texas and Louisiana to California terminals without observing the long-and-short-haul provision of section 4 of the act denied.

Indian Creek Coal & Coke Co. v. A. C. R. R. Co., 100 I. C. C. 375.

904. Rates on coal, in carloads, from points on the Indian Creek Valley Railway to eastern and New England destinations found not unduly prejudicial. Complaint dismissed.

New York Harbor water facilities applications, 100 I. C. C. 383.

905. Upon application of railroad companies operating certain marine equipment in and about New York Harbor in the States of New Jersey and New York for permission under section 5 of the act, as amended by section 11 of the Panama Canal Act, to continue operation of such marine equipment; *Found*, That applicants, except the Central Railroad of New Jersey, have not brought the service within the terms of the act, and that the commission is without jurisdiction to enter the order sought. Applications denied.

906. Existing service by vessels of the Central Railroad of New Jersey upon the Sandy Hook water route between piers on lower Manhattan Island and Atlantic Highlands Pier, N. J., found to be operated in the interest of the public, that it is of advantage to the convenience and commerce of the people, and that an extension of time during which such service by water may continue will neither exclude, prevent, nor reduce competition on the route by water under consideration. Extension ordered.

Basing rates on paving brick, 100 I. C. C. 390.

907. Proposed increased basing rates on paving brick from Jacksonville, Fla., to points in Florida, on traffic originating at Robbins, Tenn., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Hercules Powder Co. v. Director General, 100 I. C. C. 393.

908. Rate for the transportation of wood flour from Hercules, Calif., to Bacchus, Utah, during the period of Federal control, found unreasonable. Reparation awarded.

Crown Willamette Paper Co. v. Director General, 100 I. C. C. 397.

909. Rates on wood pulp, in carloads, shipped all-rail or water-and-rail route from points in Oregon and Washington to Los Angeles, Calif., found not unreasonable.

910. Rates for a portion of the rail haul on wood pulp, in carloads, shipped all-rail or water-and-rail route from Camas, Wash., and West Linn and Lebanon, Oreg., to Floriston, Calif., found unreasonable. Reparation awarded.

Triad Corp. v. E. R. R. Co., 100 I. C. C. 402.

911. Official classification rating on barrack bags found unreasonable, and reasonable rating prescribed for the future. Opportunity afforded complainant to prove its right to reparation.

McClave & Son v. A. C. L. R. R. Co., 100 I. C. C. 405.

912. Rates on lumber, in carloads, from Roach, Fla., to Harrison and Jersey City, N. J., and Great Works, Me., from Springdale, Fla., to Harrison, and from Scott, Ga., to Great Works stopped in transit at Portsmouth, Va., found unreasonable. Reparation awarded.

Hardwick Stove Co. v. S. Ry. Co., 100 I. C. C. 409.

913. Rates charged on moulding sand, in carloads, from Rockport and Sandale, Ind., to Cleveland, Tenn., found to be in excess of those applicable. Reparation awarded.

Budding Co. v. P. R. R. Co., 100 I. C. C. 411.

914. Charges assessed on one carload of crushed stone shipped from Port Deposit, Md., to Linden Hall, Pa., and reconsigned at Marysville, Pa., to Mendenhall, Pa., found unreasonable. Reparation awarded.

915. Record found inadequate upon which to prescribe rates on reconsigned out-of-route, or return, hauls of crushed stone from nonproducing points in Maryland and Pennsylvania to points on defendant's lines.

Pacific Coast Steel Co. v. Director General, 100 I. C. C. 415.

916. Rates on ferromanganese, in carloads, from Tacoma, Wash., to San Francisco and South San Francisco, Calif., found not to have been illegal or otherwise in violation of the law. Complaint dismissed.

Robbins & Meyers Co. v. C., C. & St. L. Ry. Co., 100 I. C. C. 418.

917. Rates on electric fans and electric motors, in carloads, from Springfield, Ohio, to San Francisco, Calif., found not to have been inapplicable, unreasonable, or otherwise unlawful. Complaint dismissed.

Los Angeles passenger terminal cases, 100 I. C. C. 421.

918. Public convenience and necessity found to permit the abandonment of operation of all passenger and freight train service, except industrial freight-switching service, on the main line of the Southern Pacific on Alameda Street from College Street to East Fifteenth Street, inclusive, in the city of Los Angeles, Calif.

919. Public convenience and necessity found not to require the construction of new or extension of existing lines of railroad in the city of Los Angeles, Calif., by the Southern Pacific and the Los Angeles & Salt Lake, as described in the application in Finance Docket No. 3569. Application denied.

920. The extension by defendants of their respective main lines of steam railroad so as to reach and serve such union passenger station and terminal as they may construct and establish in a described portion of the city of Los Angeles, Calif., in accordance with a lawful order of the Railroad Commission of California, and the extension of such main lines to provide for rearrangement of their respective passenger and freight routes incidental to the convenient and proper operation of such union station and terminal, found reasonably required in the interest of public convenience and necessity, and the expense involved therein found not to impair the ability of said defendants to perform their respective duties to the public.

921. In addition to the abandonment of train service on Alameda Street as above authorized, public convenience and necessity found to permit the abandonment by defendants, of such portions of their lines of steam railroad, or of

all or any portion of the interstate service thereon, as may be incidental to the rearrangement of routes, tracks, and terminal facilities necessitated by the establishment of a union passenger station and terminal as indicated.

922. Joint use by defendant steam railroads of such main-line tracks of each other as may be incidental, and necessary or convenient, to the proper operation of a union passenger depot and terminal established as above indicated found to be in the public interest and to be practicable, without substantially impairing the ability of the carrier or carriers owning or entitled to the enjoyment of such track or tracks to handle its or their own business.

923. Jurisdiction of No. 14778 and Finance Docket No. 3556 retained for the purpose of making such further findings and orders and issuing such certificates as the record warrants.

Armstrong Cork & Insulation Co. v. R. Co., 100 I. C. C. 468.

924. Joint commodity rate on cork sheets or slabs, without binder, between October 17 and October 21, 1922, from Camden, N. J., to El Centro and Brawley, Calif., found inapplicable but not unjust or unreasonable. Rates charged found inapplicable and shipments overcharged. Refund of overcharges directed and complaint dismissed.

Crown Overall Mfg. Co. v. Director General, 100 I. C. C. 471.

925. Upon consideration of the matter of rates graded according to the actual value of commodities shipped, which do not operate as a limitation upon the shipper's right to recover for the full actual loss, damage, or injury to the property transported; *Held*, That actual-value rates and released rates may be fairly and effectively differentiated.

926. Rates on clothing, n. o. s., applied on less-than-carload shipments of overalls from Cincinnati, Ohio, to Pacific coast terminals and certain other western territory found applicable but unreasonable. Reparation awarded.

927. Shipments of blackstrap molasses, in tank-car loads, from certain points in Louisiana to Fort Calhoun, Nebr., not shown to have been overcharged. Applicable rates found not unreasonable or unduly prejudicial.

928. Shipments of blackstrap molasses, in tank-car loads, from Mobile, Ala., to Fort Calhoun, Nebr., found overcharged. Reparation awarded.

U. S. War Department v. A. & S. Ry. Co., 100 I. C. C. 491.

929. Upon statements and exhibits submitted by the parties, reasonable divisions prescribed out of joint barge-and-rail rates between New Orleans, La., and Mobile, Ala., on the one hand, and inland points on the Louisville & Nashville, on the other hand, interchanged with the latter at Mobile, Tuscaloosa, or Birmingham, Ala.

Southern class rate investigation, 100 I. C. C. 513.

930. Upon general investigation on the commission's own motion of interstate class rates and less-than-carload commodity rates within southern territory and between southern and official territories, all rail and rail water, and of less-than-carload ratings in exceptions to southern classification; *Found*:

That interstate class rates between points in southern territory should be not higher than a normal level based upon a distance scale or scales of such extent as to cover hauls of all lengths.

931. That maximum reasonable interstate class rates on standard lines between points in southern territory and over routes lying wholly within such territory, except between points in Virginia and points in North Carolina and except to and from points in the Florida peninsula are, and for the future will be, rates determined by the scale shown in Appendix K.

932. That maximum reasonable interstate class rates on standard lines between points in the Florida peninsula south of the line of the Seaboard Air Line from Jacksonville to River Junction, on the one hand, and other points in southern territory, on the other, are, and for the future will be, rates determined by the distance scale shown in Appendix K plus arbitraries determined by the scale shown in Appendix L for that part of the distance lying south of the line of the Seaboard Air Line above referred to.

933. That all carriers operating in southern territory shall be classed as standard lines for the purposes of the foregoing findings except certain short and weak lines which require special rate treatment.

934. That in applying scales of distance rates and arbitraries distances should be computed as actual mileages over the shortest possible route between any two points via existing connections for interchange of carload traffic, embracing as a maximum the lines or parts of parts of not more than three carriers for

distances of 200 miles or less, four carriers for distances from 200 to 500 miles, and five carriers for greater distances, except that 50 miles may be used as constructive distance for car-float transfer on the Tennessee River in Alabama between Hobbs Island and Gunters Landing.

935. That reasonable interstate class rates between, from, or to points on specified weak or short lines are, and for the future will be, rates determined by the scale shown in Appendix K plus arbitraries determined by a distance scale similar but not necessarily the same as the scale shown in Appendix L applied to the haul over the short or weak line.

936. That there is no justification for requiring the maintenance or establishment of less-than-carload exceptions to the southern classification.

937. That through class rates lower than the combination of local rates to and from the boundary line, relatively no higher than those found reasonable as a maximum for application within southern territory, should be established between official and southern territories.

938. That joint rail-water-rail class rates between interior points in eastern territory and interior points in southern territory are necessary and desirable in the public interest and should be established, in lieu of the present nonconcurrency rates, between such points in all cases where maximum reasonable rail-water-rail rates are herein prescribed.

939. That maximum reasonable and nonprejudicial interstate class rates between official and southern territories are, and for the future will be, rates governed by southern classification and based upon key rates shown in Appendix O or, in the case of points between which no key rates are shown, based upon the distance scale shown in Appendix K, *provided, however*, that in no case shall an interterritorial all-rail class rate exceed the lowest rate that may be made by combining the local class rate, applicable within official territory to the traffic in question, governed by the applicable classification or exceptions thereto, to or from any one of specified gateways with the differential class rate applicable from or to the same gateway under the scale set forth in Appendix P to be governed by southern classification or exceptions thereto.

940. That in constructing rates between points in southern territory and points in Michigan, Vermont, New Hampshire, and Maine arbitraries may be added equivalent to those which are contemporaneously applied in making class rates between points in the States named and other points in central or New England territory as the case may be.

941. That interterritorial all-rail class rates from or to points on other than standard lines, as defined herein, may be made by the addition of arbitraries for that portion of the haul over the lines not classed as standard.

942. That in the adjustment of class rates between central and southern territories Portsmouth and Ironton, Ohio, Ashland, Ky., and Kenova and Huntington, W. Va., shall be included within a single group, the distances to and from which shall be based on Ashland.

943. That hay, straw, shucks, grain, grain products, and grain by-products, rated class C or class D in southern classification, should be excepted for the present from the application of the class rates herein approved between official and southern territories and from Ohio and Mississippi River crossings to points in southern territory.

944. Fourth-section order entered and also an order modifying certain outstanding orders of the commission to the extent necessary to permit the carriers to make effective the rates prescribed herein.

Vegetable oils to C. F. A. territory, 100 I. C. C. 736.

945. Rates proposed on vegetable oils, in carloads, between points in trunk-line territory and from points in trunk-line territory to destinations in central territory, found not justified. Suspended schedules ordered canceled.

Grain from western trunk lines, 100 I. C. C. 745.

946. Proposed increased rates on grain and grain products, in carloads, from Minneapolis and Duluth, Minn., and Chicago and Peoria, Ill., groups and intermediate territory between those points and Missouri River cities, to destinations in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Wyoming found not justified. Suspended schedules ordered canceled.

Routing of livestock to W. T. L. points, 100 I. C. C. 751.

947. Proposed restriction of routing on shipments of livestock originating on lines of Union Pacific system in Utah, Wyoming, Idaho, and Montana destined to the Missouri River and east thereof found not justified. Schedules under suspension ordered canceled and proceeding discontinued.

Dairy products from southern points, 100 I. C. C. 756.

948. Proposed readjustment of rates on live and dressed poultry, butter, and eggs from points in Kentucky, Tennessee, Alabama, and Mississippi found justified to eastern cities and the Buffalo-Pittsburgh zone but not justified to Chicago, Ill., Ohio and Mississippi River crossings, and certain other destinations. Suspended schedules ordered canceled without prejudice to the establishment of the rates found justified.

Switching in Birmingham district, 100 I. C. C. 763.

949. Proposed increased charges for switching carload traffic moving in interstate commerce in the switching district of Birmingham, Ala., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Egg case fillers from Kansas, 101 I. C. C. 1.

950. Proposed increased rates on egg-carrier fillers, egg cases, and egg-box material, in carloads, from Coffeyville, Kans., to points in Arkansas on the Missouri & North Arkansas, found not justified. Suspended schedules ordered canceled.

Minimum weights on iron and steel articles, 101 I. C. C. 3.

951. Proposed increased minimum weights on multiple-carload shipments of iron and steel from, to, and between points in the Southwest found justified in part. Suspended schedules ordered canceled without prejudice to the filing of new schedules in conformity with the findings herein. Proceeding discontinued.

Grain and grain products from C. F. A. points, 101 I. C. C. 7.

952. Proposed increased rates on grain and grain products, in carloads, from points in Indiana, Illinois, and Michigan to Aurora, Garrettsville, and Mantua, Ohio, found not justified, without prejudice to establishment of rates in conformity with the fourth section. Suspended schedules ordered canceled and proceeding discontinued.

Brick from Nashville, 101 I. C. C. 11.

953. Proposed increased rate on brick and clay products, other than common brick, in carloads, from Nashville, Tenn., to Paducah, Ky., found justified, except to the extent proposed rate on common brick exceeds 8.5 cents over the short route.

954. Suspended schedules ordered canceled, without prejudice to the establishment of rates in conformity with findings herein.

Abilene Flour Mills Co. v. A. & S. Ry. Co., 101 I. C. C. 14.

955. Applicable rates on wheat bran, in carloads, from points in Western and Southwestern States to points in Louisiana, Texas, and New Mexico found unreasonable and unduly prejudicial. Reasonable and nonprejudicial basis of rates prescribed for the future.

956. Proposed increased rates on wheat bran, in carloads, from points in western trunk-line territory to points in New Mexico found not justified. Suspended schedules ordered canceled.

Holland Furnace Co. v. P. M. Ry. Co., 101 I. C. C. 19.

957. Rate on pig iron, in carloads, from Toledo, Ohio, to Holland, Mich., found not unreasonable or otherwise unlawful. Complaint dismissed.

Lissberger & Co. v. C. & O. Ry. Co., 101 I. C. C. 23.

958. Charges on zinc dross, in carloads, from Middletown and Cincinnati, Ohio, and Ashland, Ky., to Newport News, Va., found not unreasonable.

959. Charges on like traffic from New York, N. Y., to Newport News found to have been unreasonable. Reparation awarded.

Anderson, Clayton & Co. v. Director General, 101 I. C. C. 25.

960. Rates on cotton, in carloads, for export, from points in Oklahoma, Arkansas, and Louisiana to Seattle and Tacoma, Wash., during period from June 25, 1918, to June 11, 1919, inclusive, found unreasonable. Reparation awarded.

Memphis Freight Bureau v. C. & E. I. Ry. Co., 101 I. C. C. 26.

961. Rates on doors from Pacific coast points to Memphis, Tenn., found not unreasonable. No damage shown to have resulted under sections 2 and 3 of the interstate commerce act. Complaint dismissed.

Russell-Heckle Seed Co. v. M. P. R. R. Co., 101 I. C. C. 29.

962. Rates charged on two carloads of cottonseed from Clarksville, Tex., to Memphis, Tenn., found unreasonable. Reparation awarded.

Sheffield Iron Corp. v. Director General, 101 I. C. C. 31.

963. Rate on coal in carloads, from East Birmingham to Jasper, Ala., during Federal control found not unreasonable or unjustly discriminatory. Complainant found not to have been damaged by reason of any undue prejudice that may have existed. Complaint dismissed.

Capell Salt Co. v. C., M. & St. P. Ry. Co., 101 I. C. C. 34.

964. Rates assessed on 46 carloads of salt shipped between August 16, 1921, and May 12, 1923, from Salduro, Utah, to various points in Montana found unreasonable. Reparation awarded.

Ammon v. S. P. Co., 101 I. C. C. 37.

965. Rate on a mixed carload of beets, carrots, turnips, and cabbage from San Fernando, Calif., to St. Paul, Minn., found unreasonable. Reparation awarded.

Johnson v. O. S. L. R. R. Co., 101 I. C. C. 39.

966. Demurrage charges assessed for the detention at Whitney, Idaho, and Lewiston, Utah, of 42 cars containing secondhand sugar-making machinery, found applicable and not unreasonable. Complaint dismissed.

National Candy Co. v. P. R. R. Co., 101 I. C. C. 43.

967. Fifth-class rates charged on shipments of sugar from Philadelphia, Pa., and New York, N. Y., to St. Louis, Mo., found inapplicable. Refund of overcharges directed.

Massey Gin & Machine Works v. C. of G. Ry. Co., 101 I. C. C. 45.

968. Rates charged on plow irons, parts, and castings, in less than carloads, from Macon, Ga., to points in Alabama, found not unreasonable, but unduly prejudicial and in violation of the long-and-short-haul clause of the fourth section. Undue prejudice ordered removed.

Skelly Oil Co. v. M., K. & T. Ry. Co., 101 I. C. C. 47.

969. Rates on naphtha, in tank-car loads, from Devol, Okla., to Burkburnett, Tex., found unreasonable. Reparation awarded.

Kelly & Co. v. L. V. R. R. Co., 101 I. C. C. 49.

970. Rate on broken soapstone, in carloads, from Marriottsville, Md., to Stockertown, Pa., found unreasonable. Reparation awarded. Reasonable maximum rate prescribed for the future.

Moore-Lawless Grain Co. v. C., B. & Q. R. R. Co., 101 I. C. C. 52.

971. Rate charged on one carload of wheat from Nebraska City, Nebr., to Kansas City, Mo., and reconsigned to Westwego, La., found inapplicable. Applicable rate found to have been in violation of the long-and-short-haul provision of section 4 of the act, but not unreasonable. Complaint dismissed.

Wichita Chamber of Commerce v. A., T. & S. F. Ry. Co., 101 I. C. C. 55.

972. Rates on wrapping paper, in straight and mixed carloads with toilet paper and paper towels, from Wisconsin and Michigan points to Wichita, Kans., found unreasonable. Reparation awarded.

Absorption of switching at Racine, 101 I. C. C. 60.

973. Proposed cancellation of absorptions of the North Shore's switching charge at Racine and Racine Junction, Wis., on all interstate traffic, found not justified. Suspended schedule ordered canceled and proceeding discontinued.

Combination rule on cotton and cotton linters, 101 I. C. C. 63.

974. Proposed cancellation of combination rule in connection with rates on cotton and cotton linters from Louisiana and Arkansas points to points in the South, North, and West, found not justified. Suspended schedules ordered canceled.

Chattanooga Mfg. Co. v. A. G. S. R. R. Co., 101 I. C. C. 66.

975. Rate on box shooks, in carloads, from Chattanooga, Tenn., to Laredo, Tex., for export, found unreasonable. Reparation awarded and reasonable rate prescribed for the future.

Home Star Produce Co. v. S. P. Co., 101 I. C. C. 69.

976. Complaint attacking as unreasonable refrigeration charges on carloads of vegetables and citrus fruits from points in the Imperial Valley of California to Fort Worth, Tex., found not supported by any evidence and dismissed.

Marion Machine, Foundry & Supply Co. v. C. & N. E. Ry. Co., 101 I. C. C. 71.

977. Rates on bull-wheel arms, cants, and pins, in carloads, from Tulsa, Okla., to Breckenridge, Tex., found unreasonable to the extent indicated in the report. Reparation awarded.

Forbes & Sons Piano Co. v. A. G. S. R. R. Co., 101 I. C. C. 74.

978. Rates charged on pianos, in carloads and less than carloads, from Hammond, Ind., and Steger and Oregon, Ill., to Birmingham, Ala., found not unreasonable or unlawful. Complaint dismissed.

Acme Coal Co. v. C., C., & St. L. Ry. Co., 101 I. C. C. 79.

979. Demurrage charges assessed on six carloads of coal at Indianapolis, Ind., found not unreasonable. Complaint dismissed.

Fuller Grain Co. v. B., S. L. & W. Ry. Co., 101 I. C. C. 82.

980. Rate applicable on wheat shipped from Minneapolis, Minn., to Kansas City, Mo., thence to Galveston, Tex., for export, found unreasonable. Waiver of undercharges authorized. Complaint dismissed.

Atlantic Refining Co. v. P. R. R. Co., 101 I. C. C. 85.

981. Transportation charges on a tank car of gasoline shipped from Point Breeze, Pa., to New Haven, Conn., and reforwarded to Auburn, R. I., found not unreasonable, but the assessment of a reconsignment charge in connection with combination rates found unreasonable. Reparation awarded.

Fitger Co. v. C. R. R. R. Co., 101 I. C. C. 87.

982. Rate on cereal beverages, in carloads, from Duluth, Minn., to Greenland, Mich., found unreasonable. Reparation awarded.

International Harvester Co. v. N. Y. C. R. R. Co., 101 I. C. C. 89.

983. Upon reconsideration rates collected on interstate shipments to and from complainant's plant on the Owaseo River Railway at Auburn, N. Y., found not unreasonable. Reparation denied. Original report, 88 I. C. C. 368, reversed.

Kentwood Ice Mfg. & Bottling Works v. Amer. Ry. Exp. Co., 101 I. C. C. 93.

984. Rates on ice-cream mix sold and shipped by complainant under the trade name of Kim from Kentwood, La., to points in Mississippi, Louisiana, Alabama, Tennessee, Florida, Georgia, and Texas found unreasonable and unjustly discriminatory. Reasonable and nondiscriminatory rates prescribed for the future.

American Lithographic Co. v. L. V. R. R. Co., 101 I. C. C. 100.

985. Rates on paper envelope blanks in sheets, printed or lithographed, or paper wrappers in sheets, printed or lithographed, from New York, N. Y., to Buffalo, N. Y., found not unreasonable or otherwise unlawful. Complaint dismissed.

Eastman Kodak Co. v. Director General, 101 I. C. C. 103.

986. Rate charged on numerous carloads of sand and gravel from Scottsville, N. Y., to Kodak Park Siding (Rochester, N. Y.) in November and December, 1919, found applicable. Complaint dismissed.

Livestock between points in Southeast, 101 I. C. C. 105.

987. Upon further consideration, joint-line rates under agreed distance scales found not justified for application over certain lines under common management and control. Single-line rates ordered established. Previous reports, 74 I. C. C. 419; 91 I. C. C. 292.

West End Scrap Iron & Metal Co. v. C., St. P., M. & O. Ry. Co., 101 I. C. C. 108.

988. Rate charged on scrap iron, in carloads, from Barksdale, Wis., to Duluth, Minn., found unreasonable. Reparation awarded.

Rudolph & Co. v. P. R. R. Co., 101 I. C. C. 111.

989. Rate on scrap iron, in carloads, from Thirty-seventh Street Station, New York, N. Y., to Bethlehem, Pa., found not unreasonable, discriminatory, or unduly prejudicial, but shipments found to have been misrouted. Reparation awarded.

Western Sugar Refinery v. S. P. Co., 101 I. C. C. 113.

990. Rate on a carload of sugar from San Francisco, Calif., to Leadville, Colo., found not unreasonable or unduly prejudicial. Complaint dismissed.

Corporation Commission of Oklahoma v. A. & S. Ry. Co., 101 I. C. C. 116.

991. Rates on grain, grain products, hay and straw, and related articles taking the same rates, or rates basing thereon, in carloads, from Oklahoma to Texas found unreasonable, and the relationship between such rates and the rates applying between points in Texas on the same commodities found unduly prejudicial to Oklahoma and shippers therefrom and unduly preferential of Texas and shippers therein. Reasonable and nonprejudicial rates prescribed from Oklahoma to Texas.

992. Rates on grain and grain products, in carloads, from points in the Panhandle of Texas and eastern New Mexico to Kansas City, Kans.-Mo., found unreasonable, and the relationship between the rates from the Panhandle and the rates on the same commodities from the same points of origin to Shreveport, La., and points in Texas, found unduly prejudicial to Kansas City and unduly preferential to Shreveport and points in Texas. Reasonable rates prescribed from the Panhandle and eastern New Mexico to Kansas City.

993. Action with regard to the intrastate rates in Texas, and the interstate rates from the Panhandle to Shreveport, and between points in Texas, withheld pending action by the Railroad Commission of Texas relative to the former.

994. Rates on grain, grain products, hay and straw, and related articles taking the same rates or rates basing thereon, in carloads, between Oklahoma, on the one hand, and Kansas and Missouri, on the other, found unreasonable. Reasonable maximum rates prescribed.

995. Minimum weight of 20,000 pounds on prairie hay in cars under 36 feet in length, from points in northeastern Oklahoma to Group A points in Texas, found unreasonable to extent that it exceeds 18,000 pounds.

996. Prior report in No. 12244, 69 I. C. C. 207; prior report in No. 13406, 80 I. C. C. 607.

United Fig & Date Co. v. A. C. L. R. R. Co., 101 I. C. C. 138.

997. Rates on peanuts in carloads, from points in Alabama, Florida, Georgia, South Carolina, and Tennessee to Chicago, Ill., Milwaukee, Wis., Canton and Cleveland, Ohio, South Bend, Ind., and Dubuque, Iowa, found unreasonable for the future. Reparation denied because of change in long-continued basis in effect north of the Ohio River, and because of extensive territory involved.

998. Rates on peanuts, in carloads, from the same points to St. Louis, Mo., found not unreasonable.

999. Rates on peanuts found unrelated to rates on peanut oil.

Mich. R. R. Co. v. P. M. R. R. Co., 101 I. C. C. 146.

1000. On further hearing in No. 11980, measure of the rates and equitable divisions thereof prescribed in connection with the through routes and joint rates required to be established by previous orders therein. Original report, 74 I. C. C. 496.

1001. Corresponding rates from and to Saugatuck, Mich., found not to have been unreasonable or unduly prejudicial. Complaint in No. 15933 dismissed.

Richmond County Coal Merchants Asso. v. B. & O. R. R. Co., 101 I. C. C. 154.

1002. Rates on anthracite coal from Pennsylvania mine regions to Staten Island, N. Y., found unreasonable, and unduly prejudicial. Reasonable and nonprejudicial relationship of rates prescribed for the future, and reparation awarded.

Traffic Bureau of Knoxville v. A. C. L. R. R. Co., 101 I. C. C. 165.

1003. Rates on phosphate rock, in carloads, from Dunnellon, Prairie, Bartow, and other points in Florida taking the same rates, to Knoxville, Tenn., found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future, and reparation awarded.

United Paperboard Co. v. G. & J. Ry. Co., 101 I. C. C. 171.

1004. Rate on wood pulp, in carloads, from Thomson, N. Y., to Whippany, N. J., found to have been and to be unreasonable. Reasonable rate for the future prescribed, and reparation awarded.

Weldon, Williams & Lick v. E. R. R. Co., 101 I. C. C. 174.

1005. Carload shipment consisting of a printing press, forwarded from Paterson, N. J., to Fort Smith, Ark., found to have been misrouted. Reparation awarded.

Texas Co. v. K. C. S. Ry. Co., 101 I. C. C. 177.

1006. Rates on liquid asphalt, in tank-car loads, from Port Neches, Tex., to Morrillton, Conway, and Galla, Ark., found to have been unreasonable. Reparation awarded.

Ariz. Cattle Growers Asso. v. A. Ry. Co., 101 I. C. C. 181.

1007. Rates on cattle, in carloads, from points in Arizona to points in California found unreasonable. Reasonable basis of rates prescribed.

Class rates via I. P. S. Co., 101 I. C. C., 189.

1008. Application for authority to establish class rates between points on the lines of the Interstate Public Service Company in Indiana and Kentucky and certain points on the lines of the Illinois Traction System in Missouri and Illinois, without observing the long-and-short haul provision of section 4 of the act, denied.

Dawson Produce Co. v. A. & V. Ry. Co., 101 I. C. C. 196.

1009. Rates on bananas and coconuts, in straight or mixed carloads, from New Orleans, La., and subports taking the same rates, and Gulfport, Miss., to various destinations in Oklahoma and to Arkansas City, Kans., and from New Orleans and subports taking same rates to certain points in Texas, found unreasonable. Reasonable rates prescribed, and reparation awarded.

Southern Transportation Co. v. N. & W. Ry. Co., 101 I. C. C. 211.

1010. Charges for dumping and trimming coal at Hampton Roads piers found not unreasonable.

1011. Dumping service held to include the horizontal manipulation of the chutes.

1012. Publication of separate trimming charges required.

1013. Charges for docking and undocking, running lines, and furnishing fresh water to ships held to be beyond the commission's jurisdiction.

1014. Port or wharfage charge held to be subject to the commission's jurisdiction. Further hearing necessary to determine reasonableness thereof.

MacDougal Construction Co. v. C. of G. Ry. Co., 101 I. C. C. 226.

1015. Rate charged on cement from Leeds, Ala., to Deerland, Ga., found not to have been unreasonable. Complaint dismissed.

Maryville Electric L. & P. Co. v. A. T. & S. F. Ry. Co., 101 I. C. C. 229.

1016. Rates on gas and fuel oils, in tank-car loads, from points in Kansas and Oklahoma to Maryville, Mo., found unreasonable and unduly prejudicial. Reparation awarded.

Murray-Egan-McLeod Co. v. P. R. R. Co., 101 I. C. C. 233.

1017. Upon reconsideration class rates charged on a less-than-carload shipment of iron pipe fittings from Barberton, Ohio, to Duluth, Minn., destined to Virginia, Minn., found applicable. Complaint dismissed. Original report, 93 I. C. C. 79, reversed.

Ogden Packing & Provision Co. v. A., T. & S. F. Ry. Co., 101 I. C. C. 236.

1018. Rates on fresh meat, fresh frozen meat, and packing-house products, in carloads, from Ogden, Utah, to Denver, Colo., Missouri River crossings, Ottumwa, Iowa, Mississippi River crossings, Chicago, Ill., points in southeastern territory, Atlantic seaboard points, and Montreal, Canada, except rates on fresh frozen meat, in carloads, from Ogden to New York and Brooklyn, N. Y., and Boston, Mass., found not unreasonable, unjustly discriminatory or unduly prejudicial.

1019. Rates on fresh or frozen meats, in carloads, from Ogden to New York, Brooklyn, and Boston found unreasonable. Reparations awarded.

Ogden Packing & Provision Co. v. D. & R. G. R. R. Co., 101 I. C. C. 258.

1020. Rates on fresh meats and packing-house products, in carloads, from Ogden, Utah, and rates on the same commodities and on by-products of livestock from Reno, Nev., to destinations in California, found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Marshall Mill & Elev. Co. v. K. C. S. Ry. Co., 101 I. C. C. 270.

1021. The granting of certain transit arrangements on products of grain, including flour, at Shreveport, La., and Texarkana, Ark.-Tex., while contem-

poraneously denying similar arrangements at Marshall, Tex., found unduly prejudicial. Undue prejudice ordered removed.

Lafayette Box Board & Paper Co. v. A. C. & Y. Ry. Co., 101 I. C. C. 273.

1022. Rates for the transportation of strawboard, in carloads, from and to points in central territory and from points in that territory to Canadian and trunk-line territories found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Barrett Co. v. N., C. & St. L. Ry., 101 I. C. C. 279.

1023. Rates on cottonseed-hull shavings, in carloads, from Hermitage, Tenn., to Peoria, Ill., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Cream of Wheat Co. v. A., T. & S. F. Ry. Co., 101 I. C. C. 283.

1024. Finding in former report, 91 I. C. C. 45, that rates on Cream of Wheat, in carloads, from Minneapolis, Minn., to points in Montana, Idaho, Washington, Oregon, and California were not unreasonable or unduly prejudicial to the extent that they exceeded the contemporaneous rates on flour, affirmed.

Consolidated Lumber Co. v. Director General, 101 I. C. C. 284.

1025. Finding in former report, 87 I. C. C. 1, that minimum charge on lumber, in carloads, from East San Pedro, Calif., to Wilmington, Calif., during Federal control was not unreasonable affirmed on further hearing. Complaint dismissed.

Ingram Day Lumber Co. v. G. & S. I. R. R. Co., 101 I. C. C. 287.

1026. Findings in original report, 85 I. C. C. 373, that rates on lumber, in carloads from Lyman, Miss., to Gulfport, Miss., for export, and to Mobile, Ala., and New Orleans, La., are not unreasonable or unduly prejudicial, affirmed.

1027. Relief from fourth section granted with respect to rates on lumber and related articles from stations on the Gulf & Ship Island to Mobile and New Orleans to the extent indicated.

Rates on brick and related articles, 101 I. C. C. 297.

1028. Proposed increased rates on brick and articles taking the same rates from Carbon Cliff, Ill., to Iowa destinations found not justified. Suspended schedules ordered canceled.

Lumber from and to Iowa points, 101 I. C. C. 299.

1029. Proposed increased rates from and to points in Iowa for interstate application on carload shipments of butternut, cherry, holly, mahogany, and walnut lumber and articles made therefrom found justified. Order of suspension vacated and proceeding discontinued.

Grain and grain products from Argo, 101 I. C. C. 303.

1030. Proposed restriction of proportional rail-and-lake rates on grain and grain products, in carloads, from Argo, Ill., and three other stations in the Chicago switching district, to eastern and Canadian destinations via Milwaukee, Wis., found justified. Order of suspension vacated and proceeding discontinued.

Commodity rates in southwestern territory, 101 I. C. C. 308.

1031. Proposed carload commodity rates on wire fencing, nails, spikes, and staples; on butts, hinges, door hangers, and staples; on sucker and pull rods and articles grouped therewith, between points in Arkansas, Louisiana west of the Mississippi River, southern Missouri, southeastern Kansas, eastern Oklahoma, and eastern Texas, as indicated in the schedules under suspension, and between the foregoing points on the one hand, and defined territories in central, western trunk-line, and southern territories and points related thereto, on the other, found justified.

1032. Proposed carload commodity rates on barrels, casks, kegs, and articles grouped therewith between points in Arkansas, Louisiana west of the Mississippi River, southern Missouri, southeastern Kansas, eastern Oklahoma, and eastern Texas, as indicated in the suspended schedules, and between the foregoing points on the one hand and Kansas City and St. Louis, Mo., Memphis, Tenn., and Baton Rouge and New Orleans, La., on the other, found justified.

1033. Proposed carload commodity rates on bakery goods; on cans, boxes, and pails, iron, steel, or tin; on fresh meats and packing-house products; on stoves, stove furniture, and ranges, and on woodenware and other articles grouped therewith, between points described in the next preceding paragraph and as shown

in the suspended schedules, found not justified. Suspended schedules ordered canceled. Reasonable rates prescribed for the future between points on class A railroads.

1034. Proposed increases in differentials on articles named in paragraphs 2 and 3 from and to defined territories found not justified. Suspended schedules ordered canceled.

1035. Fourth-section relief granted to the extent authorized in *Memphis-Southwestern Investigation*, 77 I. C. C. 473.

Colony Coal Co. v. O. S. L. R. R. Co., 101 I. C. C. 330.

1036. Rate charged on five carloads of slack coal shipped from Rock Springs, Wyo., to Cornish, Utah, and diverted in transit to McMillan, Idaho, found unreasonable. Reparation awarded.

Carpenter v. Director General, 101 I. C. C. 333.

1037. Upon reconsideration on the record as made original findings and order, 93 I. C. C. 476, affirmed.

United Cycle & Supply Co. v. B. & O. R. R. Co., 101 I. C. C. 334.

1038. Upon reconsideration, rate charged on bicycles, in carloads, from Middleton, Ohio, to Los Angeles, Calif., found inapplicable. Reparation awarded. Original report, 93 I. C. C. 689, reversed.

Armour & Co., v. D. L. & W. R. R. Co., 101 I. C. C. 337.

1039. Exaction of local rates and charges for transportation of lard, in carloads, from Jersey City, N. J., to ship side in New York Harbor free-lighterage limits found to be illegal on certain shipments to the extent described in the report, but not unreasonable or otherwise unlawful. Reparation awarded.

Texas Co. v. K. C. S. Ry. Co., 101 I. C. C. 345.

1040. Upon further consideration rates on wrought-iron or steel pipe, in carloads, from and to numerous points in Louisiana, except Shreveport, to and from certain points in Arkansas, found unreasonable to the extent specified in original report, and reparation awarded to that basis. Rates on like traffic from Shreveport to certain points in Arkansas found not unreasonable. Original report, 96 I. C. C. 81, affirmed.

Commodity rates from Jacksonville to Miami, 101 I. C. C. 347.

1041. Upon further hearing temporary authority granted to establish commodity rates from Jacksonville to Miami, Fla., without observing the long-and-short-haul provision of section 4 of the act. Original report 83 I. C. C. 207.

St. Joseph Lead Co. v. L. & N. R. R. Co., 101 I. C. C. 352.

1042. Rates on mine-run coal, in carloads, from Coil and Sunset Mine, Ky., to Bonne Terre, Rivermines, and Leadwood, Mo., found unreasonable. Reparation awarded.

Scott County Farm Bureau v. A. & V. Ry. Co., 101 I. C. C. 357.

1043. Carload of molasses from Morton, Miss., consigned to New Orleans, La., thence reconsigned to Blytheville, Ark., found to have been overcharged. Reparation awarded.

McElwain Co. v. S. & A. Ry., 101 I. C. C. 359.

1044. Rate on green salted hides, in carloads, from Savannah, Ga., to Manchester, N. H., found unreasonable. Reparation awarded.

Levy & Zentner Co. v. A., T. & S. F. Ry. Co., 101 I. C. C. 361.

1045. Rate on grapefruit, in carloads, from Phoenix, Ariz., to San Francisco, Calif., found unreasonable. Reparation awarded.

Anthracite coal investigation, 101 I. C. C. 363.

1046. A horizontal or percentage reduction of all rates on anthracite coal not required.

1047. Reductions of certain rates on anthracite coal required.

1048. The establishment of joint rates on prepared sizes of low-volatile bituminous coal from mines served directly by the Chesapeake & Ohio Railway Company, the Norfolk & Western Railway Company, and the Virginian Railway Company to certain points in trunk-line and New England territories deemed to be necessary and desirable in the public interest, and basis for such new joint rates prescribed.

Menedy Co. v. C., I. & W. R. R. Co., 101 I. C. C. 389.

1049. Rates charged on two carloads of sand from Montezuma, Ind., to Buffalo, Ill., via Illiopolis, Ill., found applicable, but the reconsignment charge found unreasonable. Reparation awarded.

Emporia Wholesale Coffee Co. v. A., T. & S. F. Ry. Co., 101 I. C. C. 391.

1050. Rates on cereal beverage, in carloads, between April 3 and September 11, 1922, from Milwaukee, Wis., to Emporia, Kans., found not unreasonable or unduly prejudicial. Refund of overcharges directed and complaint dismissed.

Loading and unloading carload freight, 101 I. C. C. 394.

1051. Proposed cancellation of provisions for loading and unloading of carload package freight at Chicago, Ill., Cleveland, Ohio, Pittsburgh, Pa., and Buffalo, Rochester, Troy, and Green Island, N. Y., without charge in addition to the line-haul rate, found justified.

1052. Continuance of certain unloading services at Chicago and at freight stations in Pittsburgh and of certain loading and unloading services at Buffalo, to be performed upon request by consignee and subject to a charge therefor, found justified, but restriction of services at team tracks in Pittsburgh to assistance in unloading found not justified.

1053. Measure of proposed charges for these services found not justified except to extent indicated in report.

1054. Schedules required to be canceled without prejudice to the filing of others providing for the proposed services at Chicago and Buffalo, and for unloading carload package freight through freight stations and on team tracks at Pittsburgh, at charges not in excess of those found reasonable in report.

Dixon Crucible Co. v. P. R. R. Co., 101 I. C. C. 415.

1055. Rate on cedar pencil slats, in carloads, from Shelbyville, Murfreesboro, Lewisburg, South Pittsburgh, and Chapel Hill, Tenn., to Jersey City, N. J., and New York, N. Y., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

1056. Rate on cedar pencil slats, in carloads, from Shelbyville, Tenn., to Savannah, Ga., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

News Publishing Co. v. A., T. & S. F. Ry. Co., 101 I. C. C. 419

1057. Rates on newsprint paper from International Falls, Minn., to Arkansas City, Kans., found unreasonable. Reparation awarded.

Mentone Lumber Co. v. N. Y., C. & St. L. R. R. Co., 101 I. C. C. 421.

1058. Under its tariff, defendant found not required to weigh shipments of coal and coke prior to delivery upon a general request, without definite information as to particular shipments. Complaint dismissed.

Traffic Bureau-Chamber of Commerce v. M. & M. T. Co., 101 I. C. C. 424.

1059. Commodity rate on cotton fabrics or cotton piece goods, in the original piece, in any quantity, from certain points in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut to Lynchburg, Va., found unreasonable to the extent that it exceeded the contemporaneous fourth-class rate. Reparation awarded.

Watertown Chamber of Commerce v. A. & W. Ry. Co., 101 I. C. C. 427.

1060. Class rates from Duluth, Minn., and related points taking the same rates to Watertown, S. Dak., found unreasonable and unduly preferential of Sioux Falls and Aberdeen, S. Dak. Reasonable rates and nonprejudicial basis of rates prescribed.

1061. Class rates from St. Paul and Minneapolis, Minn., and Chicago, Ill., and related points taking the same rates to Watertown, S. Dak., found not unreasonable, but unduly preferential of Sioux Falls, S. Dak. Nonprejudicial basis of rates prescribed.

1062. Class rates from points east of the Indiana-Illinois State line and north of the Ohio and Potomac Rivers to Watertown, S. Dak., found unreasonable and unduly preferential of Sioux Falls, S. Dak. Reasonable basis of rates prescribed. Defendants given 90 days within which to remove remaining undue prejudice.

Watertown Chamber of Commerce v. C. & N. W. Ry. Co., 101 I. C. C. 441

1063. Class rates from Watertown, S. Dak., to points in southwestern Minnesota found not unreasonable, but unduly prejudicial to Watertown, unjustly discriminatory against interstate commerce, and unduly preferential of Sioux Falls, S. Dak., Sioux City, Iowa, St. Paul, Minneapolis, and other Minnesota points. Nonpreferential basis of rates prescribed.

Sioux City Seed Co. v. C. & N. W. Ry. Co., 101 I. C. C. 447.

1064. Rate charged on one car of rapeseed shipped December 5, 1922, from San Francisco, Calif., to Sioux City, Iowa, found unreasonable. Reparation awarded.

Northeast Miss. Traffic Bureau v. M. & O. R. R. Co., 101 I. C. C. 451.

1065. Rate on peanuts, in carloads, from Suffolk, Va., and Plymouth, N. C., to Tupelo, Miss., found not unreasonable, but unduly prejudicial. Reparation denied.

Missouri Portland Cement Co. v. A., T. & S. F. Ry. Co., 101 I. C. C. 454.

1066. Rates on cement, in carloads, from Sugar Creek, Mo., to points in Kansas found not unreasonable, unjustly discriminatory, or unduly prejudicial to Sugar Creek and preferential of points in the Kansas gas belt, except as noted below.

1067. Rates on cement, in carloads, from Sugar Creek to points on the Missouri & Kansas in Kansas City (Rosedale), Kans., found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed.

1068. Rates on cement, in carloads, from Iola, Kans., to points in western trunk-line territory found not unreasonable, unjustly discriminatory, or unduly prejudicial to Iola and preferential of other points in the Kansas gas belt. Complaint dismissed.

Lone Star Gas Co. v. C., C. & St. L. Ry. Co., 101 I. C. C. 465.

1069. Rate on solid asphaltum, in carloads, from Franklin, Pa., to Ranger, Tex., found unreasonable. Reparation awarded and reasonable rate prescribed for the future.

Forest products between Ky. and Tenn. points, 101 I. C. C. 469.

1070. Proposed increased rates on lumber and forest products, in carloads, from stations on the Clear Fork, Hog Camp, and Crooked Fork branches of the Louisville & Nashville Railroad in Tennessee and Kentucky to Lexington, Ky., found not justified. Suspended schedules ordered canceled and proceedings discontinued.

Natchez Freight & Traffic Bureau v. M. P. R. R. Co., 101 I. C. C. 476.

1071. Rates on grain and grain products and cottonseed meal and hulls, in less than carloads, from Natchez, Miss., to points on defendants' lines in Louisiana west of the Mississippi River found unreasonable and unduly prejudicial to Natchez and shippers therefrom and unduly preferential of points in Louisiana west of the Mississippi River and shippers therefrom. Reasonable rates prescribed and undue prejudice ordered removed.

Automatic train control devices, 101 I. C. C. 487.

1072. After inspection and test, installation found to meet the requirements of our specifications and order, and installation approved, except as indicated.

1073. Requirements prescribed in respect of certain apparatus and operations with which the carrier is expected promptly to comply.

Canned goods to eastern seaboard and Canadian points, 101 I. C. C. 502.

1074. Proposed rates on canned goods from Wisconsin and other points to eastern destinations found not justified. Respondents required to cancel suspended schedules, without prejudice to their right to file new schedules establishing rates in accordance with those approved. Proceedings discontinued.

1075. Rates on evaporated milk from Northfield, Minn., to eastern destinations not shown to be unreasonable or unduly prejudicial. Complaint dismissed.

1076. Fourth-section applications denied to the extent involved.

Lake cargo coal rates, 1925, 101 I. C. C. 513.

1077. Rates on bituminous coal, in carloads, from mining districts in Pennsylvania, Ohio, Maryland, West Virginia, Virginia, Kentucky, and Tennessee to Lake Erie ports, for transshipment by vessel, found not unreasonable, unduly prejudicial, or otherwise unlawful. Complaints dismissed.

Sand and gravel from New Jersey, 101 I. C. C. 560.

1078. Proposed increased rates on molding sand, in carloads, from Mount Holly, Hainesport, and Masonville, N. J., to Buffalo and Rochester, N. Y., and points taking the same rates, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Procter & Gamble Distributing Co. v. St. L.-S. F. Ry. Co., 101 I. C. C. 563.

1079. Rates on soap, soap powders, washing powders, and scouring and cleaning compounds, in straight or mixed carloads, from Kansas City, Kans., and St. Louis, Mo., to destinations in southern Kansas, southern Missouri, Oklahoma, Arkansas, western Louisiana, and Texas found unreasonable where and to the extent they exceed the basis set forth in the report. Maximum rates prescribed for the future.

1080. Reparation denied on shipments of soap and related articles from South Omaha, Nebr., and Chicago, Ill., to destinations in the Southwest.

1081. Rates on lard, lard substitutes, and vegetable cooking oils, in straight or mixed carloads, (1) from Kansas City, St. Louis, New Orleans, La., Memphis, Tenn., Oklahoma City, Okla., and Dallas, Fort Worth, Sherman, Greenville, Taft, San Antonio, and Houston, Tex., to destinations in southern Kansas, southern Missouri, Oklahoma, Arkansas, western Louisiana, Texas, and New Mexico; (2) from Dallas, Fort Worth, Houston, Oklahoma City, and Kansas City to Memphis, Vicksburg, Miss., Baton Rouge, La., and New Orleans; and (3) from Omaha and South Omaha, Nebr., Sioux City, Iowa, South St. Paul, Minn., and South St. Joseph, Mo., to destinations in Oklahoma and Texas, found unreasonable for the future where and to the extent they exceed the basis set forth in the report. Maximum rates prescribed for the future.

1082. Reparation awarded on shipments of lard substitutes from Houston to destinations in Louisiana and Arkansas, and from Sherman to destinations in Louisiana, Arkansas, and Oklahoma.

1083. Proposed increased rate on lard substitutes, in carloads, from New Orleans to El Paso, Tex., found not justified. Suspended schedules ordered canceled.

1084. Fourth-section relief granted.

Grain and grain products between Kansas points and St. Joseph, 101 I. C. C. 595.

1085. Proposed increased rates from certain points in Kansas on the Union Pacific to St. Joseph, Mo., on grain and grain products, in carloads, when routed over Union Pacific to Marysville, Kans., and St. Joseph and Grand Island beyond, found not justified. Suspended schedules ordered canceled.

Marion Machine, Foundry & Supply Co. v. L. A. & S. L. R. R. Co., 101 I. C. C. 599.

1086. Rate on four cars of oil-well supplies shipped from Marion, Ind., to Burnett, Calif., during October and November, 1922, found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Glue stock between points in official classification territory, 101 I. C. C. 601.

1087. Proposed change in description of glue stock between points in official territory found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules in accordance with the findings herein.

Traffic Bureau of Knoxville v. C. P. Ry. Co., 101 I. C. C. 605.

1088. Rates on newsprint paper, in carloads, from Shawinigan Falls, Quebec, Canada, and points in Canada taking the same rates or rates related thereto, to Knoxville, Tenn., found not unreasonable. Rates on said traffic from and to the points named found unduly prejudicial to Knoxville to the advantage of Nashville, Tenn. Nonprejudicial relationship prescribed.

Tioga Coal Co. v. B. & O. R. R. Co., 101 I. C. C. 611.

1089. Strouds Creek & Muddlety Railroad found to be a common carrier subject to the interstate commerce act.

1090. Rates on coal, in carloads, from mines on the Strouds Creek & Muddlety Railroad to interstate destinations found not unreasonable, but unduly prejudicial. Nonprejudicial rates prescribed.

1091. Through routes and joint rates on coal in carloads required to be established and maintained by Baltimore & Ohio Railroad Co. in connection with Strouds Creek & Muddlety Railroad Co.

Anderson Electric & Water Departments v. C., C., C. & St. L. Ry. Co., 101 I. C. C. 618.

1092. Rate on coal, in carloads, from Marissa, Ill., to Anderson, Ind., found not to have been unreasonable. Complaint dismissed.

Hill & Bauer v. N. Y. C. R. R. Co., 101 I. C. C. 621.

1093. Rate on scrap iron, in carloads, from Dunbar, W. Va., to Weirton, W. Va., found unreasonable. Reparation awarded.

Knight Iron & Metal Co. v. G., M. & N. R. R. Co., 101 I. C. C. 623.

1094. Rate assessed on three carloads of scrap iron from Mobile, Ala., to Birmingham, Ala., found inapplicable. Refund of overcharges directed and complaint dismissed.

Duquesne Reduction Co. v. P. R. R. Co., 101 I. C. C. 625.

1095. Failure of defendants to afford transit on scrap copper and brass refined at East Liberty (Pittsburgh), Pa., and reshipped thence in the form of ingots, found not unreasonable or unduly prejudicial.

1096. Consideration of rates on scrap brass and copper to, and brass and copper ingots from, East Liberty deferred. Complaint dismissed.

Duwall v. C., R. I. & P. Ry. Co., 101 I. C. C. 630.

1097. Joint rates on grain and grain products from Milner, Kans., to interstate destinations on the Chicago, Rock Island & Pacific Railway found not unreasonable.

1098. Establishment of joint rates on grain and grain products from State Line, Kans., to those same destinations not shown to be necessary or desirable in the public interest.

1099. Complaint dismissed.

Pacific Mutual Door Co. v. A. A. R. R. Co., 101 I. C. C. 633.

1100. Rates on common unglazed doors, in straight carloads or in mixed carloads with other forest products, from points in Oregon and Washington to destinations in trunk-line and New England territories, found unreasonable. Reparation awarded.

Oklahoma Publishing Co. v. A., T. & S. F. Ry. Co., 101 I. C. C. 635.

1101. Rate on imported newsprint paper, in carloads, from Houston, Tex., to Oklahoma City, Okla., found unreasonable and in violation of the long-and-short-haul clause of the fourth section. Reparation awarded.

Carnegie Steel Co. v. Director General, 101 I. C. C. 638.

1102. On further hearing finding in original report, 80 I. C. C. 269, that the Pittsburgh & Ohio Valley Railway was and is a common carrier subject to the interstate commerce act affirmed.

1103. Interstate rates to and from complainant's plant, except on ex-lake iron ore and except on local movements in connection with defendant trunk lines at switching rates, found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed and reparation awarded on interstate shipments.

Okla. Corp. Commission v. A., T. & S. F. Ry. Co., 101 I. C. C. 647.

1104. Upon complaint praying for an order requiring defendant railroads to erect and maintain a union passenger station at Oklahoma City, Okla., with the attendant relocation of the main line of the Chicago, Rock Island & Pacific, or such other rearrangement, relocation, or joint use of terminal tracks as will give defendant railroads ingress and egress to and from such station: *Found (a)* That, in consonance with *Los Angeles Passenger Terminal Cases*, 100 I. V. C. 421, the commission has no jurisdiction to require the building of a union station under the conditions here present; *(b)* that control over major projects of the character here under consideration is vested in the commission by paragraphs (18) to (21) of section 1 of the interstate commerce act as construed in *R. R. Comm. v. Southern Pac. Co.*, 264 U. S. 331; *(c)* that in determining whether public convenience and necessity exist the probable cost of the entire project must be weighed against the convenience which will inure to the public through the providing of a union station; and *(d)* that the record herein does not show that public convenience and necessity, present or future, justify us in lending our approval to the present plans of complainants. Complaint dismissed, but suggestions made as to further procedure,

1105. Certificate of public convenience and necessity found unnecessary in connection with plan of St. Louis-San Francisco to erect a local station with no extension of main-line tracks or expensive rearrangement or joint use of terminal tracks, and application of that carrier for such a certificate dismissed.

Grain and grain products between central freight association points, 101 I. C. C. 662.

1106. Proposed increased rates on grain, grain products, and grain by-products, in carloads, from Lake Michigan ports, Mississippi River crossings, and Chicago and other Illinois basing points, to northeastern Ohio, found not justified. Suspended schedules ordered canceled without prejudice to the publication of rates in conformity with the report.

1107. Fourth-section relief denied.

Solomon-Wickersham Co. v. S. M. V. R. R. Co., 101 I. C. C. 667.

1108. Rate on sugar, in carloads, from San Francisco, and other California points to Bowie, Ariz., found unreasonable. Reparation awarded and reasonable rate for the future prescribed.

Detroit Chemical Works v. C. R. R. Co., 101 I. C. C. 671.

1109. Rates on crude sulphur, in carloads, from Baltimore, Md., to Detroit, Mich., found not unreasonable or unduly prejudicial. Complaint dismissed.

Chicago Heights Mfrs.' Asso. v. B. & O. C. T. R. R. Co., 101 I. C. C. 675.

1110. Commodity rates on handle material, not further finished than shaved or cut to shape, in straight carloads, or in mixed carloads with handle material not further finished than sawed square, rived or split from bolts, from Marengo and Corydon, Ind., to Chicago Heights, Ill., found unjust and unreasonable. Fifth-class rate charged on a mixed carload of these commodities from Marengo to Chicago Heights found unreasonable. Reparation awarded.

1111. Commodity rates on handle material, not further finished than sawed square, rived or split from bolts, from and to the same points found not unreasonable.

Somerville Iron Works v. C. R. R. Co. of N. J., 101 I. C. C. 683.

1112. Rates on cast-iron soil pipe, in carloads, from Somerville and Newark, N. J., to points in New England found not unreasonable or otherwise unlawful. Complaint dismissed.

Triad Corp. v. C. of G. Ry. Co., 101 I. C. C. 687.

1113. Rating and rates applicable on bed sacks, any quantity, under the southern classification found not unreasonable or otherwise unlawful. Refund of certain overcharges directed and complaint dismissed.

Lookout Paint Mfg. Co. v. M. P. R. R. Co., 101 I. C. C. 691.

1114. Rates on carbon black from the Monroe, La., gas district to Chattanooga, Tenn., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Transit at Kansas City, 101 I. C. C. 696.

1115. Proposed waiver of out-of-line charges at Kansas City on grain and grain products originating at points in Kansas and Colorado and destined to interior points in Texas and Louisiana, or Texas Gulf ports for export, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Commutation fares on N. Y., N. H. & H. R. R., 101 I. C. C. 703.

1116. Proposed increased commutation fares on the New York, New Haven & Hartford Railroad between points in Connecticut and New York found justified. Order of suspension vacated.

Colgate & Co. v. P. R. R. Co., 101 I. C. C. 716.

1117. Rate on volcanic ash, in carloads, from Meade, Kans., to Jersey City N. J., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Hood Coal Co. v. M. V. T. Co., 101 I. C. C. 719.

1118. Upon rehearing, finding in our original report in No. 12712, 73 I. C. C. 54, that combination rates on coal, in carloads, from complainants' mines on the Monongahela West Penn Public Service Company to interstate destinations were not unreasonable or otherwise unlawful affirmed.

1119. Schedules proposing to cancel interstate rates from said mines found justified. Order of suspension vacated and proceeding discontinued.

Lumber to eastern destinations, 101 I. C. C. 727.

1120. Proposed increased rates on lumber, in carloads, from points on the Norfolk & Western in southwestern Virginia and related points, via routes through Kenova, W. Va., to eastern destinations, found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

Combination rule and rates on brick and draitile, 101 I. C. C. 729.

1121. Proposed cancellation of the application of the combination rule in connection with rates on brick and articles taking the same rates, and on draitile, in carloads, from Mason City and related Iowa points to Minnesota basing points, including the Twin Cities and head of the lakes, also Wisconsin points found not justified.

1122. Proposed increased rates on brick and articles taking the same rates from Mason City to destinations on the Omaha and Soo Line in Wisconsin found not justified.

1123. Proposed cancellation of commodity rates on brick, draitile, and other clay products from Mason City, Des Moines, Acme, and Rockford, Iowa, to Ashland, Wis., found not justified.

1124. Suspended schedules ordered canceled and proceedings discontinued.

Texas Co. v. C., B. & Q. R. R. Co., 101 I. C. C. 734.

1125. Rates on petroleum oils, including gasoline, in carloads, from Casper, Wyo., to points in Montana found not unreasonable but unduly prejudicial. Nonprejudicial relationship of rates prescribed and reparation denied.

National-American Wholesale Lumber Asso. v. B. & O. R. R. Co., 101 I. C. C. 741.

1126. Rate of 52.5 cents per 100 pounds assessed for the transportation of two carloads of chestnut lumber from Camden-on-Gauley, W. Va., to Montreal, Canada, and at the latter point reconsigned to Ste. Therese, Canada, found not to be unreasonable or in violation of section 4 of the interstate commerce act.

1127. Question of whether, as alleged, overcharges were collected by a Canadian carrier in Canada on the shipments, after they were reconsigned from Montreal to Ste. Therese, Canada, found not to be within the commission's jurisdiction.

Cheese from Wisconsin, 101 I. C. C. 744.

1128. Proposed rates on cheese, in carloads, from Wisconsin points, Chicago, Ill., Missouri and Mississippi River points, and points in defined territories to destinations in Arkansas, Louisiana, Oklahoma, and Texas found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules establishing rates in conformity with the findings herein.

1129. Rates on American cheese, in carloads, from Wisconsin points and Chicago, to destinations in the same States found not unreasonable in the past, but unreasonable for the future to the extent indicated in the report.

Lincoln Chamber of Commerce v. A. C. R. R. Co., 101 I. C. C. 759.

1130. Rates on coal, in carloads, from mines in Kansas, Missouri, Arkansas, and Oklahoma to Lincoln and Havelock, Nebr., found not unreasonable but to be unduly prejudicial. Nonprejudicial basis of rates prescribed. Reparation denied.

Oklahoma Millers' Asso. v. A. & V. Ry. Co., 102 I. C. C. 1.

1131. Upon further consideration of the record in this case, and regard being had to our report in *Oklahoma Corporation Commission v. A. & S. Ry. Co.*, 69 I. C. C. 207, complaint dismissed. Original report 96 I. C. C. 195.

Canned goods from Montana, 102 I. C. C. 3.

1132. Applicant authorized to establish and maintain all-rail rates on canned goods, in carloads, from Bozeman, Hamilton, and Stevensville, Mont., to San Francisco and Oakland, Calif., over the Southern Pacific and connections, lower than to intermediate points, subject to conditions named in report.

Iron and steel from Birmingham, 102 I. C. C. 7.

1133. Proposed reduced rates on iron and steel articles, in carloads, from the Birmingham district to the Houston group found not justified, except on cotton ties and buckles. With that exception suspended schedules ordered canceled and proceeding discontinued.

Switching at Hagerstown, 102 I. C. C. 14.

1134. Proposed restriction of switching limits of Hagerstown, Md., so as to exclude Security, Md., found not justified. Suspended schedules ordered canceled.

Brady v. B. & O. R. R. Co., 102 I. C. C. 19.

1135. Allegation that the acts and practices of defendants whereby the mines of the Western Virginia Coal & Coke Company located on the Coalton branch of the Baltimore & Ohio from October 14, 1922, to April 1, 1923, were accorded Western Maryland services and rates while failing to accord similar service and rates to complainant's mine located intermediate thereto resulted in discrimination in the matter of car supply, not sustained, nor is any discrimination in car supply as between those mines shown from September 1, 1922, to October 14, 1922.

1136. Rates charged on coal, in carloads, from complainant's mine to Port Covington, Baltimore, Md., found unreasonable. Reparation awarded.

San Diego Chamber of Commerce v. A. & V. Ry. Co., 102 I. C. C. 27.

1137. Complaint seeking establishment of through routes and joint rates between points in Oregon and California, on the one hand, and points in other parts of the United States, on the other hand, via El Centro and San Diego, Calif., dismissed for want of jurisdiction to establish such routes and rates through an adjacent foreign country.

Cameron & Co. v. A. & S. Ry. Co., 102 I. C. C. 31.

1138. Rates on paving and roofing materials, in carloads, from New Orleans, La., to various Texas points found unduly prejudicial and unreasonable. Reasonable rates prescribed for the future. Reparation awarded.

Laundry Owners' National Asso. v. Amer. Ry. Exp. Co., 102 I. C. C. 36.

1139. First-class rating on laundry in official express classification found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Winding Gulf Colliery Co. v. V. Ry. Co., 102 I. C. C. 41.

1140. Allegations that defendant, during the period from August 1, 1922, to February 28, 1923, failed and neglected to apply just and reasonable ratings to the coal mines served by it, and to distribute cars among said mines so as to give complainant's mine its just, reasonable, and proper share of cars available for coal loading, resulting in undue prejudice and disadvantage to complainant in violation of sections 1 and 3 of the act, not sustained. Complaint dismissed.

Lime Rock R. R. Co. v. M. C. R. R. Co., 102 I. C. C. 48.

1141. Basis for payment by complainant for use or detention of foreign freight cars on its line prescribed.

Chaffee R. R. Co. v. W. M. Ry. Co., 102 I. C. C. 53.

1142. Just, reasonable, and equitable division to be received by the Chaffee Railroad out of joint rates on coal originating on that line, prescribed.

1143. Basis for payment by the Chaffee Railroad for use or detention of foreign cars on its line, prescribed.

Tisdale Farmers Union Cooperative Asso. v. M. P. R. R. Co., 101 I. C. C. 61.

1144. Complainant alleging that defendant unjustly discriminated against complainant located at Tisdale, Kans., in favor of its competitor located at Bushton, Kans., in the distribution of available cars for shipment of grain to various interstate markets, not sustained. Complaint dismissed.

Illinois Brick Co. v. Director General, 102 I. C. C. 64.

1145. Rates for the transportation of carload shipments of common brick from Blue Island, Ill., in the Chicago, Ill., switching district, to Illinois and Indiana points within that district, during the period from June 25, 1918, to December 5, 1918, inclusive, found not unreasonable. Complaint dismissed.

Lillie Mill Co. et al. v. L. & N. R. R. Co., 102 I. C. C. 67.

1146. Rate on coal, in carloads, from mines in western Kentucky on the Louisville & Nashville Railroad to Franklin, Tenn., found unreasonable. Reparation awarded and reasonable rate prescribed.

Jefferson & Northwestern Ry. Co. v. M., K. & T. Ry. Co., 102 I. C. C. 72.

1147. Complainant required to pay an amount equal to the current per diem rate for the detention of foreign freight cars on its line.

Intermediate points rule on cement, 102 I. C. C. 76.

1148. Proposed change in intermediate-points rule covering rates on cement in western trunk-line territory found not justified. Suspended item ordered canceled.

Rice between points in southern territory, 102 I. C. C. 79.

1149. Increased rates which would result from proposed cancellation of less-than-carload commodity rates on clean rice from, to, and between points in southern territory found not justified. Schedules ordered canceled without prejudice to the establishment of rates on the basis indicated.

Rates on horses and mules, 102 I. C. C. 87.

1150. Proposed increased rates on horses and mules, in carloads, from and to points in Texas differential territory and New Mexico to and from markets in the Southwest, published in purported compliance with our order in *Horse and Mule Rates in the Southwest, 1924*, 93 I. C. C. 479, requiring removal of undue prejudice, found not justified. Suspended schedules ordered canceled, and reasonable interstate rates prescribed for the future.

1151. Fourth-section relief granted respondents to apply over all routes between Fort Worth, Tex., Wichita, Kans., Kansas City, St. Joseph, and St. Louis, Mo., and Oklahoma City, Okla., and points in the territory considered herein the lowest rates available over any route under the basis of rates prescribed, and to maintain at intermediate points, under the conditions set forth in the report, rates not in excess of the rates made on the basis herein prescribed.

Classification of plaster board, 102 I. C. C. 94.

1152. Proposed cancellation of exceptions to official classification rating on calcined and wall plaster, gypsum rock, and plaster board from Grand Rapids, Mich., and other points in central territory to points in Canada, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Combination rule on brick, 102 I. C. C. 97.

1153. Proposed cancellation of combination rule applicable on brick and related articles from points in Texas to interstate destinations found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Penn Grains & Feed Co. v. R. Co., 102 I. C. C. 100.

1154. Rate on wet brewers' grain, in carloads, from Philadelphia, Pa., to Newark, N. J., found unreasonable. Reparation awarded.

Omaha Chamber of Commerce v. C., R. I. & P. Ry., 102 I. C. C. 103.

1155. Shipment of 16 carloads of stock cattle from Limon, Colo., to Atkinson Nebr., found to have been misrouted. Reparation awarded.

Waco Chamber of Commerce v. E. P. & SW. R. R. Co., 102 I. C. C. 105.

1156. Applicable rate on a carload shipment of dried beans from Mills, N. Mex., to Rockdale, Tex., found to have been unreasonable. Waiver of outstanding undercharges authorized and reparation awarded.

United Iron Works v. M. P. R. R. Co., 102 I. C. C. 107.

1157. Charges collected on a carload of pig iron shipped from Thomas, Ala., to Iola, Kans., reconsigned to Okmulgee, Okla., found inapplicable. Defendants directed to refund the overcharge. Complaint dismissed.

Stevens & Thompson Paper Co. v. B. & M. R. R., 102 I. C. C. 109.

1158. Rate on imported wood pulp, in carloads, from Boston, Mass., to Ondawa, N. Y., found to have been unreasonable. Reparation awarded. Present rates on imported wood pulp from and to the same points found not unreasonable.

Kansas City Structural Steel Co. v. A., T. & S. F. Ry. Co., 102 I. C. C. 113.

1159. Defendant's tariff governing the offsetting of loaded against empty ton-car mileage not shown to have been unreasonable. Complaint dismissed.

Wichita Terminal Elevator Co. v. C., R. I. & P. Ry. Co., 102 I. C. C. 115.

1160. Rates on one carload of bulk corn shipped from Alvo, Nebr., to Wichita, Kans., stored and reshipped to Custer City, Okla., found not unreasonable or unduly prejudicial. Complaint dismissed.

Western Auto Supply Co. v. C., B. & O. R. R. Co., 102 I. C. C. 117.

1161. Charges on two less-than-carload shipments of automobile crank-shaft counter-balance weights from Clarinda, Iowa, to Seattle, Wash., found to have been illegal. Reparation awarded.

Crane Co. v. D., L. & W. R. R. Co., 102 I. C. C. 119.

1162. Rate charged on one carload of sand-rubbed slate slabs shipped from East Bangor, Pa., to Harrison, Mont., found to have been inapplicable. Refund of overcharge directed, and complaint dismissed.

Iroquois Pulp & Paper Co. v. G. & J. Ry. Co., 102 I. C. C. 121.

1163. Rates on wood pulp, in carloads, from Canadian points through Rouses Point, N. Y., found to have been and to be unduly prejudicial to Thomson, N. Y., and unduly preferential of Glens Falls and Warrensburg, N. Y., but complainant not found to have been damaged.

Harding Glass Co. v. St. L.-S. F. Ry. Co., 102 I. C. C. 126.

1164. Rate charged on sand, in carloads, from Roff, Okla., to Fort Smith, Ark., found unreasonable and unduly prejudicial. Reasonable rate for the future prescribed, and reparation awarded.

Jackson Traffic Bureau v. A. & V. Ry. Co., 102 I. C. C. 129.

1165. Class and commodity rates from Jackson, Miss., to destinations in Louisiana and southern Arkansas found unreasonable and unduly prejudicial to Jackson and unduly preferential of New Orleans, La., Memphis, Tenn., and Natchez, Miss. Reasonable and non prejudicial rates prescribed.

Merrimac Paper Co. v. B. & M. R. R. Co., 102 I. C. C. 133.

1166. Carload shipments of printing paper from Lawrence, Mass., to Long Island City, N. Y., during the period from January 30, 1922, to February 24, 1923, inclusive, found to have been overcharged. Reparation awarded.

1167. Rate applied on carload shipments of printing paper from Lawrence to Long Island City since August 14, 1923, found unreasonable and inapplicable. Reparation awarded and maximum reasonable rate prescribed.

Miller & Lux v. S. P. Co., 102 I. C. C. 137.

1168. Charges on sheep, in carloads, from Galt, Calif., to Los Banos and Oxalis, Calif., intrastate, during Federal control, found to have been legally assessed. Reparation denied. Complaint dismissed.

Classification of radio sets, 102 I. C. C. 140.

1169. Proposed classification ratings in official, southern, and western classifications on radio receiving sets and on talking machines and radio sets combined, in less than carloads, found justified except to the extent that the ratings proposed in the southern classification exceed one-and-one-half times first class.

1170. Proposed ratings on radio receiving sets, in carloads, found justified.

1171. Proposed ratings on talking machines and radio sets combined, in carloads, found not justified.

1172. Suspended schedules ordered canceled without prejudice to the filing of new schedules not in conflict with findings herein.

Alton Merc. Co. v. A. G. S. R. R. Co., 102 I. C. C. 146.

1173. Rates on green coffee, in carloads, from New Orleans, La., and Galveston, Tex., to Oklahoma City and Enid, Okla., found unreasonable. Reparation awarded.

Ferromanganese, etc., to southern points, 102 I. C. C. 150.

1174. Proposed increased import rates on ferromanganese, spiegeleisen, and pig iron, in carloads, from south Atlantic and Gulf ports to Alabama City, Anniston, Attalla, Birmingham, and Gadsden, Ala.; Alcoa, Chattanooga, Knoxville, and Lenoir City, Tenn.; and Atlanta, Ga., found not justified. Respondents required to cancel suspended schedules without prejudice to the establishment of the proposed rates if made to apply from ship side.

Illinois Oil Co. v. C. G. N. Ry. Co., 102 I. C. C. 154.

1175. Rates charged on gasoline, in carloads, from Cushing, Okla., to Perryville, Mo., found unreasonable. Reparation awarded. Maximum reasonable rate prescribed.

Canned goods to Ariz., Calif., and N. Mex., 102 I. C. C. 156.

1176. Proposed increased rates on canned goods, from Group J points in Colorado, New Mexico, Texas, and Wyoming, to Arizona, California, and New Mexico found justified. Order of suspension vacated and proceeding discontinued.

Black Steel & Wire Co. v. U. P. R. R. Co., 102 I. C. C. 163.

1177. Charges assessed on two carloads of wire rope shipped in September, 1922, from Kansas City, Mo., to Medicine Bow and Rawlins found unreasonable. Reparation awarded.

Milne Chair Co. v. A. C. L. R. R. Co., 102 I. C. C. 165.

1178. Rate charged on a carload of thin lumber or veneer, from Smithfield, N. C., to Chattanooga, Tenn., found applicable and not unreasonable. Complaint dismissed.

Harder Mfg. Corp. v. D. & H. Co., 102 I. C. C. 167.

1179. Rate on lumber, in carloads, from Manchester, Vt., to Cobleskill, N. Y., found to have been unreasonable. Reparation awarded.

Anheuser-Busch v. C. & A. R. R. Co., 102 I. C. C. 169.

1180. Upon reconsideration, finding in original report, 87 I. C. C. 307, that rate on alcohol, not denatured, in tank-car loads, from St. Louis, Mo., to Peoria, Ill., was not and is not unreasonable, affirmed.

Application of Southern Pacific Co. and Albion Lumber Co. under Panama Canal act, 102 I. C. C. 170.

1181. Upon application of the Southern Pacific Company and Albion Lumber Company under provisions of section 5 of the interstate commerce act, as amended by section 11 of the Panama Canal act, found that so long as the railway line between Albion and Christine, Calif., is not extended so as to connect with any trunk line the Southern Pacific does not and can not compete with lumber steamers operating between Albion and ports in California south of San Francisco, Calif., and on the west coast of Mexico, and that the operation of lumber steamers by the Albion Lumber Company in connection with its lumber business between these points will not be in violation of section 5 of the interstate commerce act, as amended by the Panama Canal act.

Bowdon Ry. Co., 84 I. C. C. 277.

1182. Final value for rate-making purposes of the property of the Bowdon Railway Co., owned and used for common-carrier purposes found to be \$83,620, as of June 30, 1915, and of property used but not owned, \$26,763.

Wood River Branch R. R. Co., 84 I. C. C. 289.

1183. Final value for rate-making purposes of the property of Wood River Branch Railroad Company found to be \$115,537, as of June 30, 1915.

Rhode Island Co., 84 I. C. C. 299.

1184. Final value for rate-making purposes of the properties owned by The Narragansett Pier Railroad Company and used by The Rhode Island Company for common-carrier purposes found to be \$310,000, as of June 30, 1916.

Durham & South Carolina R. R. Co., 84 I. C. C. 313.

1185. Final value of the property of the Durham & South Carolina Railroad Company owned and used for common-carrier purposes found to be \$460,796, as of June 30, 1917, and held to be value for rate-making purposes.

Knoxville, Sevierville & Eastern Ry. Co., 84 I. C. C. 329.

1186. Protest of the Knoxville, Sevierville & Eastern Railway Company against the tentative valuation of its property considered and determined.

1187. Final value of the property of the carrier owned and used for common-carrier purposes, as of June 30, 1916, found to be \$400,000, and used but not owned, \$10,650.

Hoosac Tunnel & Wilmington R. R. Co., 84 I. C. C. 343.

1188. Final value for rate-making purposes of the property of the Hoosac Tunnel and Wilmington Railroad, owned and used for common-carrier purposes, found to be \$641,864, as of June 30, 1916.

Union Freight R. R. Co., 84 I. C. C. 357.

1189. Final value for rate-making purposes of the property of Union Freight Railroad Company owned and used for common-carrier purposes found to be \$429,833, as of June 30, 1915.

Paris & Mt. Pleasant R. R. Co., 84 I. C. C. 367.

1190. Final value for rate-making purposes of the property of the Paris and Mt. Pleasant Railroad Company, owned and used for common-carrier purposes, found to be \$813,771, as of June 30, 1918.

Gainesville Midland Ry., 84 I. C. C. 381.

1191. Protest of the Gainesville Midland Railway Company against the tentative valuation of its property considered and determined.

1192 Final value of the property of the carrier owned and used for common-carrier purposes, as of June 30, 1915, found to be \$1,174,665.

Cumberland R. R. Co., 84 I. C. C. 411.

1193. Final value for rate-making purposes of the property of The Cumberland Railroad Company owned and used for common-carrier purposes found to be \$386,203, as of June 30, 1917, and of property used but not owned, \$18,000.

Nevada Copper Belt R. R. Co., 84 I. C. C. 427.

1194. Final value for rate-making purposes of the property of the Nevada Copper Belt Railroad Company owned and used for common-carrier purposes found to be \$721,112, as of June 30, 1917, and of property used but not owned, \$3,000.

New Mexico Midland Ry. Co., 84 I. C. C. 443.

1195. Final value for rate-making purposes of the property of The New Mexico Midland Railway Company owned and used for common-carrier purposes found to be \$140,265, as of June 30, 1916.

Gulf Terminal Co., 84 I. C. C. 451.

1196. Protest of the Gulf Terminal Company against the tentative valuation of its property considered and determined.

1197. Final value for rate-making purposes of the property of the carrier owned and used for common-carrier purposes, as of June 30, 1915, found to be \$495,148.

Raritan River R. R. Co., 84 I. C. C. 463.

1198. Protest of the Raritan River Rail Road Company against the tentative valuation of its property considered and determined.

1199. Final value of the property of the Raritan River Rail Road Company owned and used for common-carrier purposes, as of June 30, 1916, found to be \$1,215,416, and used but not owned \$148.

Artesian Belt R. R., 84 I. C. C. 481.

1200. Protest of the San Antonio Southern Railway Company, successor to the Artesian Belt Railroad, against the tentative valuation of the property of the Artesian Belt Railroad considered and determined.

1201. Final value for rate-making purposes of the property of the carrier owned and used for common-carrier purposes, as of June 30, 1917, found to be \$430,000.

Maryland, Delaware & Virginia Ry. Co., 84 I. C. C. 499.

1202. Final value for rate-making purposes of the property of the Maryland, Delaware and Virginia Railway Company, owned and used for common-carrier purposes, found to be \$2,266,312, as of June 30, 1915, and of property used but not owned \$390,000.

Nevada Northern Ry. Co., 84 I. C. C. 523.

1203. Final value for rate-making purposes of the property of the Nevada Northern Railway Company, owned and used for common-carrier purposes, as of June 30, 1917, found to be \$3,404,900.

Tallulah Falls Ry. Co., 84 I. C. C. 537.

1204. Protest of the Tallulah Falls Railway Company against the tentative valuation of its property considered and determined.

1205. Final value for rate-making purposes of the property of the carrier owned and used for common-carrier purposes, as of June 30, 1916, found to be \$1,795,000, and used but not owned \$132.

Carolina R. R. Co., 84 I. C. C. 563.

1206. Protest of the Carolina Railroad Company against the tentative valuation and the supplemental tentative valuation of its property, considered and determined.

1207. Final value for rate-making purposes of the property of the Carolina Railroad Company, owned and used, as of June 30, 1914, found to be \$163,820, and used but not owned, \$6,400.

Winston-Salem Southbound Ry. Co., 84 I. C. C. 581.

1208. Upon further hearing, following the original report herein, 75 I. C. C. 187, protest of the Winston-Salem Southbound Railway Company against the supplemental tentative valuation of its property considered and determined.

1209. Final value for rate-making purposes of the property of the Winston-Salem Southbound Railway Company, owned and used for common-carrier purposes, as of June 30, 1915, found to be \$5,788,067.

Elgin, Joliet & Eastern Ry. Co. 84 I. C. C. 587.

1210. Protests of carriers against tentative and supplemental tentative valuations considered and determined.

1211. Tentative and supplemental tentative valuations modified and made final.

1212. Final single-sum value of properties owned and used, and used but not owned, devoted by the carriers to common-carrier service reported in the amount of \$34,660,000 as of June 30, 1914, and found to be the value for rate-making purposes.

1213. Expenditures made by the Chicago, Lake Shore and Eastern Railway Company in removing and relocating tracks of other carriers at Gary, Ind., held not to be a proper item in an estimate of cost of reproduction new.

1214. Forty thousand shares of capital stock of the Elgin, Joliet and Eastern Railway Company transferred to the Chicago, Lake Shore and Eastern Railway Company through the Federal Steel Company, held to be a deposit of security for performance by the former of its obligations under a lease agreement and not an expenditure of money.

1215. Carriers' contention that expenditures, charged when made to income and operating expense accounts, were incurred for additions and betterments, were properly chargeable to investment in road and equipment and should be included in restated investment and original cost reported by the commission, considered and discussed.

1216. Opinion of carriers' engineer, based upon experience in railway maintenance and construction work, as to the value of appreciation in seasoned and solidified roadbed held to be insufficient proof of such value.

1217. Assertion in brief of carriers that the going-concern value of the carriers' property was \$5,000,000 held insufficient to warrant the inclusion of that amount or any other specific amount in the value for rate-making purposes, in view of the fact that such value has been determined as that of a going concern.

Birmingham & Northwestern Ry. Co., 84 I. C. C. 675.

1218. Protest of the Birmingham & Northwestern Railway Company against the tentative valuation of its property considered and determined.

1219. Final value for rate-making purposes of the property of the Birmingham & Northwestern Railway Company owned and used for common-carrier purposes, as of June 30, 1917, found to be \$722,847.

Norfolk Southern R. R. Co., 84 I. C. C. 693.

1220. Protests of the carrier against the tentative and supplemental tentative valuations of its property considered and determined.

1221. Lands are classified as noncarrier where public use is neither actual nor imminent and no plans are being made for their development as outlined in *Texas Midland Railroad*, 75 I. C. C. 1, 162.

1222. Land covered by navigable waters in North Carolina lying between the shore and the established bulkhead line can be entered by the owner of the contiguous shore lands at any time and title obtained by paying \$1 per acre if his purpose is to erect wharves, but if entry is not made the owner only has a riparian right and does not have absolute title.

1223. At the crossing of two railroads the right of way shall be inventoried to the senior carrier unless the junior carrier can show title to the land.

1224. Lands not occupied by the carrier, and to which it has no title but claims on the basis of a right given by the state to take, are not inventoried to the carrier as it has never exercised its right which is, therefore, inchoate and not materially different from a right of eminent domain.

1225. Final value for rate-making purposes of the property of the Norfolk Southern Railroad Company owned and used for common carrier purposes as of June 30, 1914, found to be \$21,622,000, owned but not used \$6,500 and used but not owned \$2,804,465.

Roscoe, Snyder & Pacific Ry. Co., 97 I. C. C. 1.

1226. Final value for rate-making purposes of the property of the Roscoe, Snyder and Pacific Railway Company, owned and used for common-carrier purposes found to be \$538,000 as of June 30, 1916.

Gulf, Texas & Western Ry. Co., 97 I. C. C. 29.

1227. Final value for rate-making purposes of the property of the Gulf, Texas & Western Railway Company, owned and used for common-carrier purposes, found to be \$1,668,000 as of June 30, 1917.

Muscatine, Burlington & Southern R. R. Co., 97 I. C. C. 53.

1228. Final value for rate-making purposes of the property of the Muscatine, Burlington and Southern Railroad Company, owned and used for common-carrier purposes, as of June 30, 1918, found to be \$856,495.

Washington, Idaho & Montana Ry. Co., 97 I. C. C. 71.

1229. Final value for rate-making purposes of the property of the Washington, Idaho & Montana Railway Company, owned and used for common-carrier purposes, found to be \$2,481,293 as of June 30, 1917, and of the property used but not owned, \$1,542.

Due West Ry. Co., 97 I. C. C. 86.

1230. Final value for rate-making purposes of the property of Due West Railway Company owned and used for common-carrier purposes found to be \$28,500, as of June 30, 1916, and of property used but not owned \$8,500.

Hampton & Branchville R. R. & L. Co., 97 I. C. C. 93.

1231. Protest of the Hampton & Branchville Railroad and Lumber Company against the supplemental tentative valuation of its property considered and determined.

1232. Final value for rate-making purposes of the property of the carrier owned and used for common-carrier purposes, as of June 30, 1915, found to be \$188,200.

Norfolk Terminal Ry. Co., 97 I. C. C. 108.

1233. Final value for rate-making purposes of the property of the Norfolk Terminal Railway Company, owned and used for common-carrier purposes, as of June 30, 1914, found to be \$995,000.

Shreveport, Houston & Gulf R. R. Co., 97 I. C. C. 122.

1234. Final value for rate-making purposes of the property of the Shreveport, Houston & Gulf Railroad Company, owned and used for common-carrier purposes, as of June 30, 1918, found to be \$92,578.

Sugar Land Ry. Co., 97 I. C. C. 131.

1235. Protest of the Sugar Land Railway Company against the tentative valuation of its property considered and determined.

1236. Final value for rate-making purposes of the property of the Sugar Land Railway Company, owned and used for common-carrier purposes, as of June 30, 1916, found to be \$467,500, and used but not owned \$5,714.

Bangor & Aroostook R. R. Co., 97 I. C. C. 153.

1237. Protest of the Bangor and Aroostook Railroad Company against the tentative valuation of its property considered and determined.

1238. Final value for rate-making purposes of the property of the Bangor and Aroostook Railroad Company owned and used for common-carrier purposes, as of June 30, 1916, found to be \$21,030,000, and used but not owned, \$3,850,084. Final value of the property of the Van Buren Bridge Company, operated by the carrier as agent, found to be \$77,500.

Kinston-Carolina R. R. & L. Co., 97 I. C. C. 231.

1239. Protests of the Kinston-Carolina Railroad & Lumber Company against the tentative and the supplemental tentative valuations of its property considered and determined.

1240. Final value for rate-making purposes of the property of the Kinston-Carolina Railroad & Lumber Company, owned and used for common-carrier purposes, as of June 30, 1914, found to be \$110,798, and used but not owned, \$50,043.

Delray Terminal R. R. Co., 97 I. C. C. 248.

1241. Final value for rate-making purposes of the property of the Delray Terminal Railroad Company, owned and used for common-carrier purposes, found to be \$157,264, as of June 30, 1918.

Augusta Southern R. R. Co., 97 I. C. C. 258.

1242. Final value for rate-making purposes of the property of the Augusta Southern Railroad Company, owned and used for common-carrier purposes, found to be \$919,976 as of June 30, 1916, and of the property used but not owned \$2,214.

New York, Philadelphia & Norfolk R. R. Co., 97 I. C. C. 273.

1243. Protest of the New York, Philadelphia and Norfolk Railroad Company against the tentative valuation of its property considered and determined.

1244. Original cost of all the property devoted by the carrier to common-carrier purposes on date of valuation not ascertainable as a fact. Cost of a minor portion and cash value of securities issued for construction and acquisition estimated.

1245. Certain amounts known to be properly chargeable to investment, but which were actually charged to income or operating expenses, included in the restated investment account reported herein.

1246. Conclusion stated that appreciation in the value of roadbed and track because of adaptation and solidification should not be measured by the excess of the cost of maintenance in the early years of operation over the cost of maintenance after the seasoning period is over.

1247. Methods and principles stated in our reports in *Texas Midland Railroad*, 75 I. C. C. 1, and *Kansas City Southern Railway Co.*, 75 I. C. C. 223, reaffirmed and followed in estimating cost of reproduction less depreciation.

1248. Final value of the property of the carrier owned and used for common-carrier purposes ascertained and reported in the amount of \$11,200,000, as of June 30, 1915, found to be value for rate-making purposes.

Asheville & Craggy Mountain Ry. Co., 97 I. C. C. 339.

1249. Final value for rate-making purposes of the property of the Asheville and Craggy Mountain Railway Company, owned and used for common-carrier purposes, found to be \$65,950 as of June 30, 1916.

Asheville Southern Ry. Co., 97 I. C. C. 339.

1250. Final value for rate-making purposes of the property of the Asheville Southern Railway Company, used by the Asheville and Craggy Mountain Railway Company for common-carrier purposes, found to be \$46,500 as of June 30, 1916.

Wrightsville & Tennille R. R. Co., 97 I. C. C. 359.

1251. Protests of The Wrightsville & Tennille Railroad Company against the tentative and the supplemental tentative valuations of its property considered and determined.

1252. Final value for rate-making purposes of the property of The Wrightsville & Tennille Railroad Company owned and used for common-carrier purposes as of June 30, 1915, found to be \$1,532,000, and used but not owned \$1,235.

Manistique & Lake Superior R. R. Co., 97 I. C. C. 382.

1253. Protest of the Manistique and Lake Superior Railroad Company against the tentative valuation of its property considered and determined.

1254. Final value for rate-making purposes of the property of the Manistique and Lake Superior Railroad Company owned and used for common-carrier purposes as of June 30, 1915, found to be \$668,000.

Angola Transfer Co., 97 I. C. C. 406.

1255. Protest of the Angola Transfer Company against the tentative valuation of its property considered and determined.

1256. Final value for rate-making purposes of the property of the Angola Transfer Company owned and used for common-carrier purposes found to be \$160,000 as of June 30, 1917.

Memphis Union Station Co., 97 I. C. C. 418.

1257. Protest of the Memphis Union Station Company against the tentative valuation of its property considered and determined.

1258. Final value for rate-making purposes of the property of the Memphis Union Station Company owned and used for common-carrier purposes as of June 30, 1916, found to be \$2,259,000, and used but not owned \$793.

Jonesboro, Lake City & Eastern R. R. Co., 97 I. C. C. 434.

1259. Protest of the Jonesboro, Lake City & Eastern Railroad Company against the tentative valuation of its property considered and determined.

1260. Final value for rate-making purposes of the property of the Jonesboro, Lake City & Eastern owned and used for common-carrier purposes as of June 30, 1916, found to be \$1,117,328, and used but not owned \$36,657.

Norwood & St. Lawrence R. R. Co., 97 I. C. C. 458.

1261. Final value for rate-making purposes of the property of the Norwood & St. Lawrence Railroad Company owned and used for common-carrier purposes as of June 30, 1917, found to be \$533,078, and of property used but not owned \$895.

Chesapeake Western Ry., 97 I. C. C. 472.

1262. Protest of the Chesapeake Western Railway et al. against the tentative valuation of its property considered and determined.

1263. Final value for rate-making purposes of the property of the Chesapeake Western Railway owned and used for common-carrier purposes as of June 30, 1916, found to be \$343,837, and of the property used but not owned, leased from the Chesapeake & Western Railroad Company, \$425,000.

Salt Lake & Los Angeles Ry. Co., 97 I. C. C. 491.

1264. Final value for rate-making purposes of the property of the Salt Lake & Los Angeles Railway Company owned and used for common-carrier purposes as of June 30, 1916, found to be \$315,391, and of the property used but not owned \$38,512.

Cadiz R. R. Co., 97 I. C. C. 506.

1265. Final value for rate-making purposes of the property of the Cadiz Railroad Company owned and used for common-carrier purposes found to be \$120,500 as of June 30, 1917.

Anthony & Northern Ry. Co., 97 I. C. C. 518.

1266. Final value for rate-making purposes of the property of the Anthony & Northern Railway Company owned and used for common-carrier purposes found to be \$960,300 as of June 30, 1919, and of the property used but not owned \$1,400.

Chicago, Terre Haute & Southeastern Ry. Co., 97 I. C. C. 535.

1267. Protests of the Chicago, Terre Haute & Southeastern Railway Company against the tentative and the supplemental tentative valuations of its property considered and determined.

1268. Final value for rate-making purposes of the property of the Chicago, Terre Haute & Southeastern Railway Company, owned and used for common-carrier purposes as of June 30, 1916, found to be \$20,150,000, and used but not owned \$1,223.

Augusta Union Station Co., 97 I. C. C. 586.

1269. Protest of the Augusta Union Station Company against the tentative valuation of its property considered and determined.

1270. Final value for rate-making purposes of the property of the Augusta Union Station Company owned and used for common-carrier purposes found to be \$235,649 as of June 30, 1916, and of property used but not owned \$32,925.

Butler County R. R. Co., 97 I. C. C. 602.

1271. Final value for rate-making purposes of the property of the Butler County Railroad Company owned and used for common-carrier purposes found to be \$907,490 as of June 30, 1916, and of the property used but not owned \$2,906.

Savannah & Northwestern Ry., 97 I. C. C. 618.

1272. Protests of the Savannah and Atlanta Railway against the tentative and the supplemental tentative valuations of the property of the Savannah and Northwestern Railway considered and determined.

1273. Final value for rate-making purposes of the property of the Savannah and Northwestern Railway owned and used for common-carrier purposes as of June 30, 1915, found to be \$1,814,271, and used but not owned \$3,000.

Moshassuck Valley R. R. Co., 97 I. C. C. 649.

1274. Protests of the Moshassuck Valley Railroad Company against the tentative valuation of its property considered and determined.

1275. Final value for rate-making purposes of the property of the Moshassuck Valley Railroad Company owned and used for common-carrier purposes as of June 30, 1916, found to be \$160,404.

Fort Street Union Depot Co., 97 I. C. C. 663.

1276. Protest of The Fort Street Union Depot Company against the tentative valuation of its property considered and determined.

1277. Final value for rate-making purposes of the property of The Fort Street Union Depot Company owned and used for common-carrier purposes as of June 30, 1915, found to be \$1,919,102, owned but not used \$286,677, and used but not owned \$304,234.

Ashland Coal & Iron Ry. Co., 97 I. C. C. 683.

1278. Final value for rate-making purposes of the property of the Ashland Coal and Iron Railway Company owned and used for common-carrier purposes found to be \$1,445,148, as of June 30, 1916, of the property used but not owned \$288, and of the property owned but not used \$2,300.

Fort Worth Union Passenger Station Co., 97 I. C. C. 698.

1279. Protest of the Fort Worth Union Passenger Station Company against the tentative valuation of its property considered and determined.

1280. Final value for rate-making purposes of the property of the Fort Worth Union Passenger Station Company owned and used for common-carrier purposes, as of June 30, 1916, found to be \$300,000.

Blaney & Southern Ry. Co., 97 I. C. C. 707.

1281. Final value for rate-making purposes of the property of the Blaney and Southern Railway Company, owned and used for carrier purposes, found to be \$56,000, as of June 30, 1916.

Bridgton & Saco River R. R. Co., 97 I. C. C. 715.

1282. Final value for rate-making purposes of the property of the Bridgton and Saco River Railroad Company, owned and used for common-carrier purposes found to be \$360,563, as of June 30, 1916.

Craig Mountain Lumber Co.'s Ry., 97 I. C. C. 726.

1283. Protest of the Craig Mountain Lumber Company's Railway against the tentative valuation of its property considered and determined.

1284. Final value for rate-making purposes of the property of the Craig Mountain Lumber Company's Railway owned and used for common-carrier purposes, as of June 30, 1917, found to be \$126,017.

San Pedro, Los Angeles & Salt Lake R. R. Co., 97 I. C. C. 727.

1285. Upon consideration of evidence introduced in the proceedings in the District Court of the United States in and for the Southern District of California, Southern Division, and certified by the court to the commission, it is determined, (1) that the said evidence does not justify this commission in fixing a final value different from the one fixed in the first instance or in altering, modifying, amending, or rescinding any order which it has made involving said final value; (2) that upon further consideration of the whole record the commission reopens the proceedings in which it determined the value of the property of the San Pedro, Los Angeles & Salt Lake Railroad Company as of June 30, 1914, for the purpose of receiving further evidence regarding the value of water rights and the amount necessary for working capital; and (3) that the commission's determination be reported to said court.

Blue Ridge Ry. Co., 97 I. C. C. 744.

1286. Final value for rate-making purposes of the property of the Blue Ridge Railway Company owned and used for common-carrier purposes found to be \$1,816,000, as of June 30, 1916; of the property used but not owned \$397,000.

Alabama Central R. R. Co., 97 I. C. C. 761.

1287. Final value for rate-making purposes of the property of the Alabama Central Railroad Company, owned and used for common-carrier purposes found to be \$86,860, as of June 30, 1917, and of the property used but not owned \$801.

Central New England Ry. Co., 97 I. C. C. 773.

1288. A protest against a tentative valuation, to be considered by the Commission must be filed within the period of time fixed by the statute for the filing of protests.

1289. Final value for rate-making purposes of the property of the Central New England Railway Company owned and used for common-carrier purposes, as of June 30, 1916, found to be \$13,812,880, and used but not owned, \$8,250,139.

Manchester & Oneida Ry. Co., 103 I. C. C. 1.

1290. Protest of the Manchester & Oneida Railway Company against the tentative valuation of its property considered and determined.

1291. Final value for rate-making purposes of the property of the carrier owned and used for common-carrier purposes, as of June 30, 1916, found to be \$121,415, and used but not owned, \$192.

Crittenden R. R. Co., 103 I. C. C. 18.

1292. Final value for rate-making purposes of the property of the Crittenden Railroad Company owned and used for common-carrier purposes found to be \$176,680, as of June 30, 1916.

Death Valley R. R. Co., 103 I. C. C. 27.

1293. Protest of the Death Valley Railroad Company against the tentative valuation of its property considered and determined.

1294. Final value for rate-making purposes of the property of the Death Valley Railroad Company owned and used for common-carrier purposes, as of June 30 1915, found to be \$360,546.

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APPENDIX E

DIGEST OF FEDERAL COURT DECISIONS

DIGEST OF FEDERAL COURT DECISIONS

A discussion of court decisions involving injunctions to restrain enforcement of orders of this commission and of decisions relative to criminal violations of the law can be found in the text of this annual report. The decisions abstracted herein involve questions of railway regulations which are closely related to matters arising before commissions.

IN THE SUPREME COURT

PRIOR ACTION BY COMMISSION

In *St. Louis T. R. R. Asso. v. U. S.* (October 13, 1924) it was held that the question of reasonableness of railroad rates, or the division of joint rates, being legislative and not judicial, will not, as a general rule, be considered by the courts before it has been presented to the Interstate Commerce Commission.

COMMON CARRIERS

In the above-cited case the court further held that a railroad terminal association and its subsidiaries handling freight which enters a city are common carriers by railroad, subject to regulation by the Interstate Commerce Commission.

In *Mich. P. U. C. v. Duke* (January 12, 1925) it was held that the police power of a State does not extend to the imposition of the duties and liabilities of a common carrier upon one engaged in performing a contract to transport merchandise for a single manufacturer over the public highways from a plant within a State to a destination in another State.

In *Ozark P. L. Corp. v. Monier* (January 12, 1925) it was held that a pipe line carrying crude oil from one State to another is a common carrier.

INTERSTATE COMMERCE

In *Air-Way Electric Appliance Corp. v. Day* (October 20, 1924) it was held that a State statute which imposes a tax upon the entire stock of a foreign corporation located within the State and doing an interstate business violates the commerce clause of the Constitution.

In *Missouri v. Taylor* (November 17, 1924) it was held that requiring a foreign railroad company to submit to State jurisdiction by garnishment proceedings does not unreasonably burden interstate commerce.

In *Mich. P. U. C. v. Duke*, above cited, it was further held that a reasonable graduated license fee imposed by a State on motor vehicles used in interstate commerce does not constitute a direct burden on such commerce.

In *Ozark P. L. Corp. v. Monier*, above cited, it was further held that the operation of a pipe line across a State to carry crude oil from one State to another is interstate commerce.

In *Flanagan v. Fed. Coal Co.* (March 2, 1925) it was held that the fact that a coal dealer had no license, as required by the State law, will not invalidate contracts to purchase coal from him for resale to customers in other States, to whom the vendor shipped on buyer's orders, so that the business was in fact interstate commerce.

In *M. P. R. R. Co. v. Stroud* (March 2, 1925) it was held that transportation between two points in the same State over a route partly within and partly without the State is interstate commerce.

In *Shafer v. Farmers Grain Co.* (May 4, 1925) it was held that a State statute regulating the buying of grain for interstate shipment, requiring licensing, grading, bonding, purchasing, and supervising the marketing with a view to preventing unreasonable margins of profit, is an unlawful interference with interstate commerce.

CLAYTON ACT

In *Michaelson v. U. S.* (October 20, 1924) it was held that railroad employees are within the protection of the Clayton Act, giving a right to trial by jury in contempt proceedings for violation of an injunction.

FURNISHING CARS

In *Davis v. Henderson* (October 27, 1924) it was held that an interstate carrier can not waive a rule, which is part of its published tariff, to the effect that orders for cars for use of shippers must be in writing.

CARMACK AMENDMENT

In *Missouri v. Taylor, supra*, the court further held that Congress having made no provision for remedy in the Carmack amendment, the Federal and State courts have concurrent jurisdiction over suits against an initial carrier for negligence of a connecting carrier.

CUMMINS AMENDMENT

In *Lancaster v. McCarty* (March 9, 1925) it was held that a regulation in a tariff, approved by the Interstate Commerce Commission, under authority of the second Cummins amendment, permitting limitation of liability based on rates for declared value for local transportation between points in one State, is effective so far as the transportation occurs on an interstate line, as against a provision in the State statute forbidding limitations of the carrier's common-law liability.

In *Barrett v. Van Pelt* (April 13, 1925) the court held that the proviso of the Cummins amendment that "if the loss, damage, or injury complained of was due to delay or damage while being loaded or unloaded, or damaged in transit by carelessness or negligence, then no notice of claim nor filing of claim shall be required as a condition precedent to recovery," should be read as though the word "damaged" was "damage," and the comma omitted after "unloaded," so that carelessness or negligence is an element in every case of loss where notice of claim can not be required.

EMERGENCY CAR SERVICE ORDERS

In *Avent v. U. S.* (November 17, 1924) it was held that in case of emergency Congress may require a preference in order of purpose for which coal shall be carried in interstate commerce, without violating the due process clause of the Constitution or the clause requiring just compensation; and Congress may delegate to the Interstate Commerce Commission power to determine the order of purposes for which coal may be shipped in interstate commerce in case of emergency.

BOILER INSPECTION ACT

In *B. & O. R. R. Co. v. Groeger* (January 5, 1925) it was held that the Federal boiler inspection act was passed to promote the safety of employees, and is to be read with the Federal employers' liability act; and that the boiler inspection act does not require the use of the best mechanical contrivances and inventions in known practical use which are or would be effective in making a boiler safe against explosion.

LIMITATION OF ACTIONS

In *Fullerton-Krueger Lumber Co. v. N. P. Ry. Co.* (January 5, 1925) it was held that the provisions of the transportation act, 1920, to the effect that the period of Federal control shall not be computed as a part of the periods of limitations in actions against carriers, or in claims for reparation for causes arising prior to Federal control, do not revive or restore rights of action barred before the act became effective.

GRAB IRONS ON LADDERS OF TENDERS

In *Davis v. Manry* (January 5, 1925) it was held that the provision of the safety appliance act, requiring all cars having ladders to be equipped with secure hand-

holds or grab irons on their roofs at the tops of such ladders, does not apply to a ladder on a locomotive tender, especially where the Interstate Commerce Commission, in giving practical construction to the statute and providing for ladders on tenders, did not require grab irons.

MOTOR VEHICLES ENGAGED IN INTERSTATE COMMERCE

In *Mich. P. U. C. v. Duke*, *supra*, it was also held that a State may rightfully prescribe uniform regulations necessary for public safety and order in respect to the operation upon its highways of motor vehicles moving in interstate commerce.

In *Buck v. Kuykendall* (March 2, 1925) it was held that a State can not prohibit the use of an interstate highway of auto vehicles by common carriers for hire, over regular routes, without securing a certificate from a public official declaring that public convenience and necessity require such operation.

In *Bush v. Maloy* (March 2, 1925) it was held that a State can not forbid the use on its highways of motor vehicles operated by common carriers for hire, over regular routes, in interstate commerce, merely because existing lines of transportation would be prejudiced thereby.

In *Brooks v. U. S.* (March 9, 1925) it was held that Congress has power to punish interstate transportation of a motor vehicle, knowing the same to have been stolen.

In *Colo. v. Toll* (May 11, 1925) it was held that injunction lies to prevent a superintendent of a national park from exercising exclusive control over highways within the park, and establishing a monopoly in motor-bus traffic, with respect to which the State within whose limits the park is located has not surrendered its legislative power.

LAND-GRANT RATES

In *L. & N. R. R. Co. v. U. S.* (March 2, 1925) it was held that acceptance by a carrier, without protest, of land-grant rates for the transportation of coal for the Government precludes it from subsequently recovering full rates for the service.

In *S. P. Co. v. U. S.* (May 11, 1925) it was held that a carrier does not, by presenting a claim for transportation of persons for the Government at land-grant rates, and accepting payment of such rates, effect an accord and satisfaction which will preclude recovery of the full rate, where it executes neither a receipt in full nor a release of the claim.

REPRODUCTION VALUE FOR RATE MAKING

In *Ohio Utilities Co. v. Ohio P. U. C.* (March 2, 1925) it was held that reproduction value of the property of a public utility for rate-making purposes is not a matter of outlay, but of estimate, and should include a reasonable allowance for organization and other overhead charges that necessarily would be incurred in reproducing the utility.

INTEREST ON ESTIMATED COST OF CONSTRUCTION

In the last-cited case the court further held that an item of interest included in the engineer's estimate of the reproduction value of a public utility, based on an estimate of the time necessary for construction, and an allowance of interest on the estimated cost for one-half that time, can not be reduced by the commission without justification.

ESTIMATE OF WORKING CAPITAL FOR RATE MAKING

In the same case it was also held that, in the absence of evidence to the contrary, the commission can not arbitrarily reduce the estimate of its own engineers as to the necessary working capital of a public utility for rate-making purposes.

LIMITING RETURN OF PUBLIC UTILITY

In that case it was also decided that limiting a public utility to a return of less than 5 per cent upon the value of its property unconstitutionally deprives it of its property without due process of law.

CERTIFICATE OF NECESSITY

In *Smyth v. A. B. Ry. Co.* (March 2, 1925) it was held that appeal from a dismissed bill to enjoin proceedings to condemn a right of way alleged to be interstate, because the carrier had not obtained a certificate of necessity from the Interstate Commerce Commission, must be to the Circuit Court of Appeals and not to the Supreme Court.

DUTY TO CONTINUE OPERATION AT A LOSS

In *Fort Smith L. & T. Co. v. Bourland* (March 2, 1925) it was held that a railway may be compelled to continue the service of a branch or part of its line, although the operation involves a loss, as a public utility can not, because of loss, escape obligations voluntarily assumed.

CLAIMS FOR OPERATING DEFICIT AND RENTAL VALUE

In *St. L., K. & S. E. R. R. Co. v. U. S.* (March 2, 1925) it was held that where a carrier releases the Government from all claims and rights, such discharge includes claims for deficit in operating income, and rental value, under the Federal control act.

In *C., T. & S. R. R. Co. v. U. S.* (March 2, 1925) it was held that such a release is binding, even in the absence of consideration.

BILLS OF LADING

In *L. & N. R. R. Co. v. U. S.*, *supra*, it was further held that the mere use of Government forms of bills of lading for coal shipped over a railroad is not conclusive on the question of ownership at the time of transportation, and does not give the Government the right of transportation at land-grant rates.

In *Nichols & Co. v. Steamship* (March 2, 1925) it was held that bills of lading without notation as to condition of goods do not affirmatively represent good order and condition.

CONFISCATION OF COAL

In *Davis v. Newton Coal Co.* (March 2, 1925) it was held that where, after termination of the war, the director general, under regulations of the fuel administrator, diverted coal in process of transportation over a road under his control, to the use of the road, paying the shipper the contract price therefor, he is liable to the consignee, who was the contract owner of the coal, for the additional amount represented by its market value.

It was further held in this case that the State courts have, under the transportation act, 1920, jurisdiction of such an action against the Director General.

INCREASED RATES

In *Fort Smith Spelter Co. v. C. C. O. & G. Co.* (March 2, 1925) it was held that where a consumer contracts for a supply of gas from one not acting as a public utility, but under conditions such that it is evident that public service is contemplated, the contract becomes subject to public regulation, and the rate may be increased without unconstitutionally impairing the obligation of the contract.

In *So. Utilities Co. v. Palatka* (May 11, 1925) it was held that a lack of mutuality in a contract between a municipality and a public service corporation as to rates for electricity, so as to render the contract void, and the corporation free to raise its rates, is not effected by the fact that the legislature has power to regulate rates, and thus relieve the municipality from its contract obligations.

ENFORCING ORDER OF RAILROAD LABOR BOARD

In *Pa. R. R. System v. P. R. R. Co.* (March 2, 1925) it was held that a mandatory injunction does not lie to compel a railroad company to comply with a decision of the Railroad Labor Board on its judgment as to what legal rights the railroad company should surrender or abate in the public interest and in the interest of its employees to maintain harmonious relations necessary to the continuance of interstate commerce, and to avoid severing relations which they have a legal right to sever.

CONFISCATORY RATES

In *Mich. P. U. C. v. Duke, supra*, it was further held that the conversion by legislative fiat of property used exclusively in the business of a private carrier into a public utility, and declaring the owner a public carrier, is an unconstitutional taking of private property for public use without compensation.

In *N. P. Ry. Co. v. Wash. Dept. Pub. Works* (April 13, 1925) it was held that where rates found by a regulatory body to be compensatory are attacked as being confiscatory, the courts may inquire into the methods by which its conclusion is reached; that an order of such a body based upon evidence which clearly does not support it is an arbitrary act, against which courts afford relief; and that the invalidity of such order which is not supported by evidence is not avoided by making the order in terms for an experimental period.

In *Banton v. B. L. Ry. Corp.* (May 25, 1925) it was held that a commission may, in its discretion, determine to be reasonable and just, a rate that is substantially higher than one merely sufficient to justify a judicial finding in a confiscation case, that it is high enough to yield a just and reasonable return on the value of the property used to perform the service covered by the rate; and that a rate allotted for compelling a street railway company to carry transfer passengers is confiscatory where such business would require additional operating expenses in an amount in excess of the resulting increase of revenue.

LESS THAN TARIFF RATES

In *St. L., B. & M. Ry. Co. v. U. S.* (April 27, 1925) it was held that a carrier whose bill for transporting Government property, which followed the amount fixed by the tariff, is wrongfully reduced by the auditor of the War Department, does not, by mere receipt of the amount of the award without protest, bar itself from recovering the amount withheld in the court of claims.

LOSS BY DELIVERING CARRIER

In *M. P. R. R. Co. v. Reynolds-Davis* (May 25, 1925) it was held that the terminal carrier named in the bill of lading of an interstate shipment of freight, which is to be delivered at the warehouse of the consignee, which is not reached by the tracks of such terminal carrier, is liable for loss caused by the negligence of a carrier whose tracks reach such warehouse, and which is employed by it to switch the car to its destination.

THE GOVERNMENT AS SHIPPER

In *St. L., B. & M. Ry. Co. v. U. S., supra*, it was also held that, in respect to furnishing transportation, a railroad ordinarily bears to the Government the same relation that it does to a private individual using its facilities.

In *Davis v. Pringle* (May 25, 1925) it was held that the United States is not entitled to priority in bankruptcy proceedings for freight, storage, and demurrage due to the Federal agent for transportation service.

RIGHT OF SHIPPER TO LOWER RATE

In *United States v. Gulf Refining Co.* (June 1, 1925) it was held that where two descriptions and tariffs are equally appropriate to a commodity shipped in interstate commerce the shipper is entitled to have applied the one specifying the lower rate.

LOWER RATE ON UNFINISHED PRODUCT

In the last-cited case it was also held that a lower rate for transportation may properly be applied to a product when in an unfinished condition than that applicable to it when finished.

SUBSTITUTION OF PARTIES

In *Davis v. Cohen* (June 8, 1925) it was held that the transportation act, 1920, did not authorize the substitution of the agent designated by the President, for the director general, in suits for losses occurring during Federal control, for a railroad company defendant, where the substitution would work an entire change in the cause of action.

EFFECT OF TRANSPORTATION ACT ON BARRED CLAIMS

In *Danzer & Co. v. G. & S. I. R. R. Co.* (June 8, 1925) it was held that the transportation act, 1920, in regard to limitation of action, does not apply in case of a claim before the Interstate Commerce Commission for misrouting freight, where the period for presenting which had expired before the passage of the transportation act.

IN THE CIRCUIT COURTS OF APPEALS

CONSIGNOR MAY MAINTAIN ACTION FOR DAMAGES

In *Amer. Ry. Exp. Co. v. I. & G. F. Co.*, 300 F. 311 (June 13, 1924), the court for the sixth circuit held that the fact that the shipper, before sending the fruit by the express company, had sold it to consignees f. o. b. place of shipment, did not defeat its right to maintain an action for damages for negligent delay in transportation, where because of damage to the fruit consignees refused to accept it, the shipper released consignees from their contracts, and the fruit was sold for its account.

LESS THAN PUBLISHED RATES

In *Button v. A., T. & S. F. Ry. Co.*, 1 F(2d). 709 (September 4, 1924), the court for the eighth circuit held that the provisions of the interstate commerce act requiring carriers not to charge less than their published rates, and giving them the right to recover the difference if a lower rate is paid, are not for the benefit of the carriers, but for the protection of the public from discriminations.

In *C. R. R. Co. of N. J. v. U. S. P. L.*, 1 F(2d). 866 (September 30, 1924), the court for the third circuit held that a contract between a railroad and a pipe line, by which the latter was granted right of way for its pipe line over the railroad, in consideration for which it agreed to ship a stipulated tonnage of oil over the railroad in interstate commerce at a less than published rate, was indivisible and illegal and not enforceable by either party.

In *N. P. Ry. Co. v. St. P. & T. L. Co.*, 4 F(2d). 359 (April 6, 1925), the court for the ninth circuit held that a contract by a railroad company to transport logs for a lumber company at an agreed rate, though made in connection with a sale to the lumber company of the land from which the logs were to be cut, and for the purpose of securing increased lumber traffic, was subject to the regulatory power of the National and State Governments over rates.

PAYING FOR SUPPLIES WITH TRANSPORTATION

In *Lake & E. Coal Corp. v. C. & O. Ry. Co.*, 1 F(2d). 968 (September 29, 1924), the court for the fourth circuit held that a railroad common carrier was without legal authority to purchase coal and pay for it by releasing a claim for freight and demurrage charges.

BILLS OF LADING

In *Tampico Banking Co. v. Barber*, 3 F(2d). 136 (January 31, 1925), the court for the fifth circuit held that a collecting bank is liable for surrender of bill of lading without payment of draft attached.

DEMURRAGE CHARGES

In *Emmons C. M. Co. v. N. & W. Ry. Co.*, 3 F(2d). 525 (January 10, 1925), the court for the third circuit held that a member of a coal exchange pool was liable, rather than the exchange, for demurrage charges on cars held by the exchange.

In *Virginian Ry. Co. v. L. & E. Coal Corp.*, 5 F(2d). 497 (April 14, 1925), the court for the fourth circuit held that a carrier which is unable to fix a definite amount of demurrage recoverable from a shipper, who is a member of a coal exchange, is not entitled to recover.

INTERSTATE COMMERCE

In *Freeman v. U. S.*, 4 F(2d). 13 (January 30, 1925), the court for the eighth circuit held that the hauling of coal cars for its own use from mine by a railroad, which, though intrastate as to its lines and termini, participated in interstate commerce through connection with other railroads, was interstate commerce.

In *Hughes v. U. S.*, 4 F(2d). 387 (January 28, 1925), the court for the eighth circuit held that the transportation of a stolen automobile from one State into another and return is transportation in interstate commerce.

In *Pacific Asso. v. Fed. Trade Com.*, 4 F(2d). 457 (March 9, 1925), the court for the ninth circuit held that a sale between local parties is not interstate commerce, though the goods are shipped to the buyer from another State.

In *McNeely v. Mayor of Natchez*, 4 F(2d). 899 (March 31, 1925), the court for the fifth circuit held that a city is without power to prohibit the operation of an interstate ferry or to exact a license fee for the privilege of landing or taking on passengers or vehicles.

INTRASTATE RATES

In *N. P. Ry. Co. v. St. P. & T. L. Co.*, 4 F(2d). 359 (April 6, 1925), the court for the ninth circuit held that the authority vested in the Interstate Commerce Commission by the transportation act, 1920, extends to the removal of undue, unreasonable, and unjust discrimination against interstate commerce by an order fixing intrastate rates for the purpose.

PRIOR ACTION BY THE COMMISSION

In *Freeman v. U. S.*, 4 F(2d). 13 (January 30, 1925), the court for the eighth circuit held that ordinarily questions of discrimination, including inequitable distribution of cars in times of car shortage, are referable initially to the Interstate Commerce Commission, and not to the courts, under the transportation act, 1920.

In *Payne v. Rogers*, 4 F(2d). 824 (April 6, 1925), the court for the sixth circuit held that courts have jurisdiction of a carrier's action for certain fixed storage charges claimed to be due under an interstate tariff filed with the Interstate Commerce Commission involving no question of fact, or question of administrative discretion, notwithstanding absence of previous resort to the commission.

INDUSTRIAL TRACKS AND EXTENSIONS

In *G., C. & S. F. Ry. Co. v. T. & P. Ry. Co.*, 4 F(2d). 904 (April 4, 1925), the court for the fifth circuit held that the proposed track, to be connected with sidetracks of five industrial plants, was an "industrial track" and not an "extension," within the transportation act, 1920.

In this case the court defines an "industrial track" as one connecting with a main-line track and used and equipped for moving freight in carloads to or from one or more industries thereby reached and served, in incidental services such as loading, reloading, or storing, and in incidental switching or yard movements.

It was further held in this case that courts in construing the statute can not consider whether the industrial track will cause duplication of railroad service and invested capital in railroad property, since courts can not give descriptive words in a statute narrower meaning than such words had at and prior to the date of enactment.

In *E. D. & W. Ry. Co. v. C., R. I. & P. Ry. Co.*, 5 F(2d). 777 (May 4, 1925), the court for the eighth circuit held that a 1,500-foot extension across terminal grounds and four tracks of another railroad, to connect with a third, is an "extension," requiring a certificate of public convenience and necessity.

REASONABLE RATES AT COMMON LAW

In *Cocke v. M. L. & T. R. R. & S. S. Co.*, 4 F(2d). 961 (April 15, 1925), the court for the fifth circuit held that at the common law a shipper had the right to recover the difference between a reasonable charge and an exorbitant charge coercively exacted by the carrier.

STATUTE OF LIMITATIONS

In *Button v. A., T. & S. F. Ry. Co.*, 1 F(2d). 709 (September 4, 1924), the court for the eighth circuit held that the limitation of an action by a carrier to recover charges was not extended by the transportation act, 1920, and that such action is barred in three years after the cause of action accrued.

In *Cocke v. M. L. & T. R. R. & S. S. Co.*, 4 F(2d). 961 (April 15, 1925), the court for the fifth circuit held that the transportation act, 1920, operates retroactively in so far as it relates to claims for reparations.

STORAGE CHARGES

In *Davis v. Cont. Sugar Co.*, 5 F(2d). 420 (April 6, 1925), the court for the sixth circuit held that the provision of a tariff entitling a carrier to storage on outbound freight does not apply to beets piled on right of way before shipment.

IN THE DISTRICT COURTS

GUARANTY SETTLEMENT

In *Birmingham T. & S. Co. v. A., B. & A. Ry. Co.*, 300 F. 173 (June 6, 1924), the court for the northern district of Georgia held that the note of a railway taken over by the Government during Federal control was an available offset against the guaranty made by the Government under the transportation act, 1920.

REASONABLE RATES

In *Ind. Bell Teleph. Co. v. P. S. Com.*, 300 F. 190 (May 19, 1924), the court for the district of Indiana held that a fair rate generally is such an amount as would at the time of the inquiry induce investment of money in the utility, and this may be determined by testimony showing the rate that securities of like kind and character command in the market.

RECONSIGNMENT CHARGES

In *B. & O. R. R. Co. v. Cincinnati G. & H. Co.*, 300 F. 674 (July 18, 1924), the court for the southern district of Ohio held that under a tariff provision applicable to diversion and reconsignment and to inspection a local charge on hay and straw which did not require compulsory inspection was a diversion or reconsignment charge, so that no further reconsignment charge could be made, and absence of inspection did not prevent such charge.

STORAGE OF FREIGHT

In *C. G. W. R. R. Co. v. Davis*, 1 F(2d). 729 (October 4, 1924), the court for the northern district of Iowa held that the words "place of delivery" in the uniform bill of lading, in regard to storage of freight, means either the unloading platform or some other place customarily used for the delivery of freight and calculated by reason of its character, location, supervision, or care to afford protection against the usual hazards to unstored or unguarded property.

REBATES

In *U. S. v. Koenig Coal Co.*, 1 F(2d). 738 (September 22, 1924), the court for the eastern district of Michigan held that inducing a carrier by deception to illegally transport a carload of coal was not the receiving of a "concession," which can not be applied to something obtained through deception or trickery.

In *U. S. v. Peterson*, 1 F(2d). 1018 (October 6, 1924), the court for the district of Montana held that the sale by an employee at reduced rates of tickets embezzled from an interstate carrier was not a Federal offense.

INTERSTATE COMMERCE

In *McNeely v. Vidalia*, 6 F(2d). 21 (April 28, 1925), the court for the western district of Louisiana held that a town can not grant an exclusive franchise to operate a ferry from such town to a point in another State, in view of the effect on interstate commerce.

INTRASTATE RATES

In *I. C. R. R. Co. v. Ky. R. R. Com.*, 1 F(2d). 805 (October 15, 1924), the court for the eastern district of Kentucky held that the question of undue discrimination between interstate and intrastate rates is one over which the courts have not jurisdiction but must be determined by the Interstate Commerce Commission.

In *So. Bell T. & T. Co. v. S. C. R. R. Com.*, 5 F(2d). 77 (April 30, 1925), the court for the eastern district of South Carolina held that the property of a public utility used in intrastate business should be separated from that used in interstate business in determining the reasonableness of a State rate.

COMPARISON OF RATES

In the *I. C. R. R. Co. case, supra*, it was also held that where a rate established by a carrier on sand and gravel between two points yields higher ton-mile earnings than its average earnings on all commodities, it is not evidence that such rate is unreasonable or excessive, without taking into consideration the length of the haul as compared with the average haul, and other essential factors.

DEMURRAGE CHARGES

In *Turner, Dennis & Lowry L. Co. v. C., M. & St. P. Ry. Co.*, 2 F(2d). 291 (October, 1924), the court for the western district of Missouri held that under the interstate commerce act carriers are required in their tariffs to state separately demurrage and other terminal charges and to adhere thereto, as to other parts of their tariff schedule.

PRIOR ACTION BY THE COMMISSION

In the *Turner case, supra*, it was further held that no action for reparation on account of unreasonable charges can be maintained in any court in the absence of an appropriate finding by the Interstate Commerce Commission.

CLASSIFICATION OF TRAFFIC

In the last-cited case it was also held that while a classification of traffic must be reasonable and not arbitrary, the interests of shippers of a particular kind of commodity are not alone to be regarded, but those of the carrier and the general shipping public as well.

EQUALIZING BUSINESS CONDITIONS

In the *Turner case, supra*, the court added that a tariff schedule may not be framed to equalize conditions of private business by giving special privileges and advantages to a particular shipper or class of shippers.

FURNISHING SHIPS

In *Amer. Cast Iron Pipe Co. v. A., G. & P. S. S. Corp.*, 2 F(2d). 397 (September 29, 1924), the court for the southern district of Florida held that the interstate commerce act was inapplicable to a contract to furnish ships for the transportation from Mobile, Ala., to the Pacific coast, in the absence of continuous shipment or through bill of lading from an inland point.

PAYMENT IN UNITED STATES MONEY

In *N. Y. & P. Co. v. Davis*, 2 F(2d), 858 (December 1, 1924), the court for the eastern district of Pennsylvania held that the freight charges on a through shipment from a foreign country into the United States are payable at the rate fixed by the tariffs filed with the Interstate Commerce Commission in money of the United States, regardless of its exchange value in money of the foreign country.

AUTOMATIC LOCOMOTIVE FIRE-BOX DOORS

In *A. C. L. R. R. Co. v. Napier*, 2 F(2d), 891 (December 20, 1924), the court for the northern district of Georgia held that the Georgia statute requiring automatic locomotive fire-box doors is invalid as to locomotives engaged in interstate commerce, as the rules and regulations authorized by the Interstate Commerce Commission to fix the standard of safety appliances are the exclusive law of transportation to which they apply.

REPRODUCTION COST, LESS DEPRECIATION

In *Ind. Bell Teleph. Co. v. P. S. Com.*, 300 F. 190 (May 19, 1924), the court for the district of Indiana held that the Interstate Commerce Commission may not under the transportation act prescribe a depreciation rate, except after investigation, and where it has made no investigation a State commission may fix the depreciation rate.

In *Westinghouse Elec. & Mfg. Co. v. Denver Tramway Co.*, 3 F(2d). 285 (December 13, 1924), the court for the district of Colorado held that reproduction cost new, less depreciation, is a dominant factor in valuation for rate-making purposes.

In *C. & P. Teleph. Co. v. Whitman*, 3 F(2d). 938 (February 27, 1925), the court for the district of Maryland held that the reproduction cost at a certain date, plus cost of subsequent additions and working capital and going-concern value, less depreciation, would generally be a sound method of ascertaining value for rate base purposes.

In *So. Bell T. & T. Co. v. S. C. R. R. Com.*, 5 F(2d). 77 (April 30, 1925), the court for the eastern district of South Carolina held that the reproduction cost, less depreciation, is only one of the factors in determining the present value for public utility rates.

GOING-CONCERN VALUE

In the *Ind. Bell case, supra*, it was further held that in the valuation of a phone company's property for rate base substantial allowance for "going value" should be made.

In the *Westinghouse case, supra*, it was also held that in proceedings for valuation of a street railway for rate-making purposes expert evidence on the question of value as a going concern should be considered.

CONFISCATORY RATES

In the *Westinghouse case, supra*, it was further held that a city possesses at all times the power to regulate fares and service of street railways, so long as such regulations provide a fair return on capital investment and its preservation unimpaired.

In the *C. & P. Teleph. Co. case, supra*, it was also held that denying opportunity of adding to the value of a public utility property out of rates is not confiscation, and that a return of 6 per cent is not confiscatory.

In *Duluth St. Ry. Co. v. R. R. & W. Com.*, 4 F(2d). 543 (December 27, 1924), the court for the district of Minnesota held that a street railway fare of 6 cents was compensatory and a State commission's order fixing a lower fare was inadequate.

In the *So. Bell T. & T. Co. case, supra*, it was further held that the legislature of a State, to guard the public, has power, by statute, or through an agency such as a railroad commission, to fix rates for a public utility, so long as they are not so unreasonably low as to be confiscatory.

VALUATION FOR RATE-MAKING PURPOSES

In the *Ind. Bell Teleph. Co. case, supra*, the court also held that consideration of the condition of a telephone company's property, the actual construction conditions under which it was developed, and the cost of material and labor, is essential to the determination of a fair and reasonable value of the property for rate-making purposes.

In the *Westinghouse Elec. Co. case, supra*, it was further held that the value of perpetual easements of a street railway company in a city's streets can not be included in the valuation of a company's property for rate-making purposes.

In the *Duluth St. Ry. Co. case, supra*, the court further held that in computing the valuation of a street railroad for the purpose of rate making, the Federal income tax should be included in "operating expenses."

In the *So. Bell T. & T. Co. case, supra*, it was also held that the ascertainment of the fair value of a public utility's property for rate purposes is controlled by no artificial rules, and is not a matter of formulas, but there must be a reasonable judgment, having its basis in the proper consideration of all relevant facts.

REPARATION

In *Swift & Co. v. N. Y. C. R. R. Co.*, 3 F(2d). 826 (August 12, 1924), the court for the southern district of New York held that a shipper, making no request for rates between points constituting the most direct route, as to which there was no published tariff, is not entitled to a refund of freight charges in excess of a reasonable rate on the shorter route, and that the Interstate Commerce Commission is without authority to allow the shipper a refund.

"EXTENSION" UNDER TRANSPORTATION ACT, 1920

In *Detroit T. R. R. Co. v. Pa.-Detroit R. R. Co.*, 4 F(2d). 705 (March 9, 1915), the court for the eastern district of Michigan held that where a projected railroad line, which included a belt line in and around a city, was commenced in 1917 and had been completed to a certain point, and a right of way secured for and grading done on portions of the belt line prior to the passage of the transportation act, 1920, the completion of the belt line was not an "extension" or the construction of a new line within the meaning of the interstate commerce act, and no certificate of public convenience and necessity from the Interstate Commerce Commission is required therefor.

"COMMON CARRIER" AND "PRIVATE CARRIER"

In *Smitherman v. Mansfield*, 6 F(2d). 29 (June 9, 1925), the court for the western district of Arkansas held that a "common carrier" is one who undertakes, for hire, to transport goods for such as choose to employ him, while a "private carrier" is one who, without being engaged in the business of carrying as a public employment, undertakes to deliver goods in a particular case for hire or reward.

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APPENDIX F

STATEMENTS OF CERTIFICATES AND ORDERS ISSUED
UNDER VARIOUS SECTIONS OF THE INTERSTATE
COMMERCE ACT AND THE TRANSPORTATION ACT,
1920, AND STATEMENT OF PAYMENTS MADE BY CAR-
RIERS UNDER SECTION 15A OF THE INTERSTATE
COMMERCE ACT

CERTIFICATES OF CONVENIENCE AND NECESSITY FOR CONSTRUCTION ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1 OF THE INTERSTATE COMMERCE ACT

Name of applicant	Location of line	Mileage
Atlantic Coast Line R. R. Co.....	Collier County, Fla.....	27.00
Bangor & Aroostook R. R. Co.....	Waldo County, Me.....	.40
Brooksville & Inverness Ry.....	Hernando and Citrus Counties, Fla.....	18.74
Cambria & Indiana R. R. Co.....	Cambria County, Pa.....	5.08
Central Pacific Ry. Co.....	Siskiyou County, Calif.....	23.76
Chicago & North Western Ry. Co.....	Gogebic and Ontonagon Counties, Mich.....	7.80
Do.....	Gogebic County, Mich.....	4.20
Do.....	do.....	3.56
Chicago, Milwaukee & St. Paul Ry. Co., H. E. Byram, Mark W. Potter, and Edward J. Brundage, receivers.	Missoula County, Mont.....	13.00
Chicago, Rock Island & Pacific Ry. Co.....	Noble and Kay Counties, Okla.....	8.00
Do.....	Kay County, Okla.....	20.40
Conemaugh & Black Lick R. R. Co.....	Cambria County, Pa.....	2.95
Cowlitz, Chehalis & Cascade Ry.....	Lewis County, Wash.....	14.00
East Jersey Railroad & Terminal Co.....	Hudson County, N. J.....	.15
Elkhart & Santa Fe Ry. Co.....	Texas and Cimarron Counties, Okla.....	56.00
Florida East Coast Ry. Co.....	St. Johns and Flagler Counties, Fla.....	29.00
Graham County R. R. Co.....	Graham County, N. C.....	11.06
Great Northern Ry. Co.....	Daniels and Valley Counties, Mont.....	50.00
Hampton & Branchville R. R. Co.....	Colleton County, S. C.....	18.00
Houston & Texas Central R. R. Co.....	Dallas County, Tex.....	8.80
Jefferson & Northwestern Ry. Co.....	Cass and Morris Counties, Tex.....	9.00
Kansas City Southern Ry. Co.....	Wyandotte County, Kans.....	.65
Do.....	Jackson County, Mo.....	.13
Lehigh Valley R. R. Co.....	Hudson County N. J.....	.30
Los Angeles Junction Ry. Co. and Central Manufacturing District (Inc.).	Los Angeles County, Calif.....	4.14
Louisiana Railway & Navigation Co.....	Avoyelles and Pointe Coupee Parishes, La.....	19.00
Manistee & Repton R. R. Co.....	Monroe County, Ala.....	1.25
Mississippi & Schoona Valley R. R. Co.....	Yalobusha and Calhoun Counties, Miss.....	22.00
Missouri Pacific R. R. Co.....	West Carroll and Richland Parishes, La.....	10.50
Missouri Pacific R. R. Co. and Illinois Central R. R. Co.	St. Clair and Monroe Counties, Ill.....	3.50
Mobile & Gulf R. R. Co.....	Tuscaloosa County, Ala.....	3.50
Morris & Essex R. R. Co. and Delaware, Lackawanna & Western R. R. Co.	Bergen and Hudson Counties, N. J.....	6.77
National Coal Ry. Co.....	Carbon County, Utah.....	8.50
New Mexico Central Ry. Co.....	Santa Fe and Rio Arriba Counties, N. Mex.....	100.00
New York, Philadelphia & Norfolk R. R. Co. and Pennsylvania R. R. Co.	Princess Anne and Norfolk Counties, Va.....	5.00
Northern Pacific Ry. Co.....	Mason County, Wash.....	15.00
Quebec Extension Ry. Co.....	Aroostook County, Me.....	112.00
St. Louis, Brownsville & Mexico Ry. Co.....	Willacy and Hidalgo Counties, Tex.....	50.00
South Plains & Santa Fe Ry. Co.....	Lubbock, Hockley, and Cochran Counties, Tex.....	65.00
Southern Pacific Co.....	Sutter County, Calif.....	5.60
Do.....	Calaveras County, Calif.....	8.10
Tampa Southern R. R. Co.....	Sarasota, Manatee, and De Soto Counties, Fla.....	39.00
Texas & Pacific Ry. Co. et al.....	Caddo Parish, La.....	3.90
Waco, Beaumont, Trinity & Sabine Ry. Co.....	Polk, Hardin, and Jefferson Counties, Tex.....	80.00
West Virginia Midland Ry. Co.....	Webster County, W. Va.....	11.70
Wisconsin & Michigan R. R. Co.....	Dickinson County, Mich.....	2.46
Total miles of construction.....		908.84

CERTIFICATES OF CONVENIENCE AND NECESSITY FOR ABANDONMENT ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1 OF THE INTERSTATE COMMERCE ACT

Name of applicant	Location of line	Mileage
Alexandria & Western Ry. Co.....	Rapides Parish, La.....	20.650
Andalusia, Florida & Gulf Ry. Co.....	Oskaloosa County, Fla., and Covington County, Ala.....	25.500
Atlantic City R. R. Co.....	Cape May County, N. J.....	8.100
Bangor & Aroostook R. R. Co.....	Waldo County, Me.....	1.360
Boston & Maine Railroad and Nashua & Ac- ton Railroad.	Hillsborough County, N. H., and Middlesex County, Mass.....	20.000
Buffalo, Bradford & Pittsburgh R. R. Co. and Erie R. R. Co.	McKean County, Pa.....	1.950
Butte, Anaconda & Pacific Ry. Co.....	Deer Lodge County, Mont.....	16.750
Camden & Burlington County Ry. Co. and Pennsylvania R. R. Co.	Burlington County, N. J.....	7.000

Certificates of convenience and necessity for abandonment issued under paragraphs (18) to (22) of section 1 of the Interstate Commerce Act—Continued

Name of applicant	Location of line	Mileage
Central New England Ry. Co.	Dutchess and Columbia Counties, N. Y.	13. 700
Chicago, Milwaukee & St. Paul Ry. Co.	Monroe County, Wis.	13. 000
Do.	Marinette County, Wis.	17. 250
Chicago, Rock Island & Pacific Ry. Co.	Scott and Muscatine Counties, Iowa.	16. 280
Coudersport & Port Allegany R. R. Co.	Potter County, Pa.	6. 640
Dallas, Cleburne & Southwestern Ry. Co.	Johnson County, Tex.	9. 820
Delaware & Hudson Co.	Clinton County, N. Y.	12. 760
Delaware & Northern R. R. Co.	Delaware County, N. Y.	8. 450
Denver & Rio Grande Western R. R. Co.	Pueblo County, Colo.	7. 740
Detroit & Mackinac Ry. Co.	Cheboygan County, Mich.	9. 100
Detroit, Bay City & Western R. R. Co., W. H. Ogborn, receiver.	Bay, Tuscola, St. Clair, and Sanilac Counties, Mich.	98. 000
Freco Valley R. R. Co.	Ouachita and Dallas Counties, Ark.	25. 000
Great Northern Ry. Co.	Judith Basin County, Mont.	7. 060
Do.	St. Louis County, Minn.	20. 500
Kansas City Southern Ry. Co.	Jackson County, Mo.	. 280
Laurel Fork Ry. Co.	Carter County, Tenn.	14. 000
Lorain, Ashland & Southern R. R. Co.	Lorain, Ashland, and Wayne Counties, Ohio.	66. 500
Louisiana & Pacific Ry. Co.	Beauregard Parish, La.	8. 700
Louisiana Railway & Navigation Co.	Avoyelles Parish, La.	17. 200
Louisiana Southern Ry. Co.	Orleans Parish, La.	1. 820
Madison County Ry. Co.	Madison County, N. C.	7. 000
Maine Central R. R. Co.	Coos County, N. H.	. 670
Manistee & Northern R. R. Co. and Michigan Trust Co., receiver.	Manistee, Wexford, Grand Traverse, Kalaskas, and Crawford Counties, Mich.	77. 000
Minneapolis & St. Louis R. R. Co., W. H. Brenner, receiver.	Marshall County, Iowa.	10. 462
Northern Pacific Ry. Co.	Lewis and Clark County, Mont.	12. 850
Do.	do.	12. 570
Northwestern Pacific R. R. Co.	Sonoma County, Calif.	2. 460
Oakdale & Gulf Ry. Co.	Allen Parish, La.	2. 310
Oakgrove & Georgetown R. R. Co.	Mobile County, Ala., and Greene County, Miss.	12. 000
Pennsylvania & Atlantic R. R. Co.	Burlington County, N. J.	1. 820
Pittsburgh & West Virginia Ry. Co.	Allegheny County, Pa.	. 510
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co. and Pennsylvania R. R. Co.	Sullivan County, Ind.	. 930
Port Townsend Southern R. R. Co. and Port Townsend & Puget Sound Ry. Co.	Jefferson County, Wash.	13. 910
Potato Creek R. R. Co.	McKean County, Pa.	1. 870
Rio Grande & Eagle Pass Ry. Co.	Webb County, Tex.	1. 500
Roanoke Ry. Co.	Brunswick County, Va.	8. 500
West Clarion R. R. Co.	Jefferson County, Pa.	2. 745
Wisconsin & Michigan R. R. Co.	Dickinson County, Mich.	7. 830
Total miles abandoned		651. 977

CERTIFICATES OF CONVENIENCE AND NECESSITY FOR ACQUISITION AND/OR OPERATION OF LINES ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1 OF THE INTERSTATE COMMERCE ACT

Name of applicant	Location of line	Mileage
Allegheny & Western Ry. Co.	Armstrong County, Pa.	11. 70
Alton & Eastern R. R. Co.	Jersey, Madison, and St. Clair Counties, Ill.	37. 91
Atchison, Topeka & Santa Fe Ry. Co.	Tulare County, Calif.	4. 00
Do.	Tulsa County, Okla.	. 22
Atlantic Coast Line R. R. Co.	Nash, Franklin, and Wake Counties, N. C.	22. 00
Baltimore & Eastern R. R. Co.	Queen Annes, Caroline, and Talbot Counties, Md.	40. 00
Bangor & Aroostook R. R. Co.	Waldo County, Me.	1. 40
Birmingham & Southeastern R. R. Co.	Bullock, Macon, and Elmore Counties, Ala.	46. 89
Carolina Western Railroad.	Berkeley County, S. C.	6. 00
Chesapeake & Ohio Ry. Co.	Boone County, W. Va.	10. 05
Chicago, Milwaukee & St. Paul Ry. Co., H. E. Byram, Mark W. Potter, and Edward J. Brundage, receivers.	Minnesota and Wisconsin.	213. 19
Coneaugh & Black Lick R. R. Co.	Cambria County, Pa.	13. 35
Detroit, Caro & Sandusky Ry. Co.	Tuscola and Sanilac Counties, Mich.	50. 00
Fort Worth & Denver City Ry. Co.	Tarrant and Dallas Counties, Tex.	35. 00
Gulf & Interstate Ry. Co. of Texas.	Galveston County, Tex.	4. 54
Hampton & Branchville R. R. Co.	Colleton County, S. C.	5. 00
Helena Southwestern R. R. Co.	Phillips, Desha, and Chicot Counties, Ark., and East Carroll, Madison, and Tensas Parishes, La.	196. 00
Kansas City Southern Ry. Co.	Cherokee County, Kans.	6. 50
Los Angeles Junction Ry. Co. and Central Manufacturing District (Inc.).	Los Angeles County, Calif.	3. 50
Marianna & Blountstown R. R. Co.	Calhoun County, Fla.	1. 00

Certificates of convenience and necessity for acquisition and/or operation of lines issued under paragraphs (18) to (22) of section 1 of the Interstate Commerce Act—Continued

Name of applicant	Location of line	Mileage
Mobile & Gulf R. R. Co.....	Fayette and Tuscaloosa Counties, Ala.....	30. 00
Norfolk & Western Ry. Co.....	Mingo County, W. Va.....	30
Port Angeles Western R. R. Co.....	Clallam County, Wash.....	35. 00
Reader Railroad.....	Ouachita and Nevada Counties, Ark.....	23. 50
Rio Grande Eastern Ry. Corporation.....	Sandoval County, N. Mex.....	12. 60
St. Paul & Kansas City Short Line R. R. Co.....	Keokuk to Des Moines, Iowa.....	167. 00
Santa Fe Northwestern Ry. Co.....	Sandoval County, N. Mex.....	40. 21
Southern Pacific Co.....	Alameda County, Calif.....	2. 50
Suncook Valley Railroad.....	Merrimack and Belknap Counties, N. H.....	22. 12
West Virginia Midland Ry. Co.....	Braxton and Webster Counties, W. Va.....	30. 00
Total number of miles.....		1,071. 48

AUTHORIZATIONS OF CONTROL OF ONE CARRIER BY ANOTHER CARRIER UNDER PARAGRAPH (2) OF SECTION 5 OF THE INTERSTATE COMMERCE ACT

Carrier acquiring control	Control acquired		
	Owning company	Miles of road	How acquired
Atchison, Topeka & Santa Fe Ry. Co.....	Elkhart & Santa Fe Ry. Co.....	56. 000	Purchase of stock and lease.
Atlantic Coast Line R. R. Co.....	Moore Haven & Clewiston Ry. Co.....	14. 000	Do.
Baltimore, Chesapeake & Atlantic Ry. Co.....	Baltimore & Eastern R. R. Co.....	40. 000	Purchase of stock.
Buffalo, Rochester & Pittsburgh Ry. Co.....	Rural Valley R. R.....	11. 700	Lease.
Chesapeake & Ohio Ry. Co.....	Ashland Coal & Iron Ry. Co.....	27. 664	Do.
Do.....	Long Fork Ry. Co.....	36. 310	
Do.....	Millers Creek R. R. Co.....	4. 530	
Do.....	Sandy Valley & Elkhorn Ry. Co.....	31. 000	Purchase of stock and lease.
Chicago, Rock Island & Pacific Ry. Co.....	Keokuk & Des Moines Ry. Co.....	167. 000	Lease.
Edward Hines Yellow Pine Trustees.....	Gulf & Ship Island R. R. Co.....	16. 000	Do.
Galveston, Harrisburg & San Antonio Ry. Co.....	San Antonio & Aransas Pass Ry. Co.....	1 729. 000	Do.
Illinois Central R. R. Co.....	Gulf & Ship Island R. R. Co.....	307. 000	Purchase of stock.
Kansas City Southern Ry. Co.....	Kansas & Missouri Ry. & Terminal Co.....	6. 340	Do.
Lehigh Valley R. R. Co. and Reading Co.....	Ironton R. R. Co.....	12. 060	Lease.
Los Angeles Junction Ry. Co.....	Central Manufacturing District (Inc.).....	7. 200	Do.
Maine Central R. R. Co.....	Hereford Ry. Co.....	52. 850	Purchase of stock.
Missouri Pacific R. R. Co.....	New Orleans, Texas & Mexico Ry. Co.....	2 900. 000	Do.
Monongahela Ry. Co.....	Scotts Run Ry. Co. and Monongahela & Ohio R. R.....	23. 700	Purchase of stock and lease.
Monongahela Connecting R. R. Co.....	Eastern R. R. Co.....	. 570	Purchase of stock.
New York Central R. R. Co.....	Hudson River Connecting R. R. Corp.....	26. 500	Lease.
Norfolk & Western Ry. Co.....	Buck Creek R. R. Co.....	1. 240	Do.
St. Louis-San Francisco Ry. Co.....	Jonesboro, Lake City & Eastern R. R. Co.....	86. 500	Purchase of stock and lease.
St. Louis Southwestern Ry. Co. of Texas.....	Stephenville North & South Texas Ry. Co.....	105. 180	Lease.
Southern Pacific Co.....	San Antonio & Aransas Pass Ry. Co.....	729. 000	Purchase of stock.
Do.....	Lake Tahoe Ry. & Transportation Co.....	16. 500	Lease.
Stewartstown R. R. Co.....	New Park & Fawn Grove R. R.....	9. 000	Do.
Terminal R. R. Association of St. Louis.....	St. Louis Merchants Bridge Terminal Ry. Co., East St. Louis Connecting Ry. Co., St. Louis Transfer Ry. Co.....	27. 760	Do.
Western Pacific R. R. Co.....	Sacramento Northern R. R.....	165. 030	Purchase of stock and bonds.
Total.....		2,883. 134	

¹ Not included in "Total." Same mileage shown below for Southern Pacific Co., control acquired through "purchase of stock."

² Includes miles of road owned by the New Orleans, Texas & Mexico Ry. Co. and certain of its controlled companies forming the "Gulf Coast Lines."

AUTHORIZATIONS OF CONSOLIDATION OF TELEPHONE COMPANIES AND ACQUISITIONS OF TELEPHONE PROPERTIES UNDER PARAGRAPH (9) OF SECTION 407 OF THE TRANSPORTATION ACT, 1920, AS AMENDED

American Telephone & Telegraph Co. of Indiana to acquire by purchase the properties of the Independent Long Distance Telephone & Telegraph Co. (Inc.), consisting of 204.2 pole miles of toll lines in Indiana.

Bell Telephone Co. of Pennsylvania to acquire by purchase certain properties of the Bethel & Mt. Aetna Telephone & Telegraph Co., serving 106 subscribers, and latter company to acquire by purchase certain properties of the Bell Telephone Co. of Pennsylvania, serving 237 subscribers, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire by purchase 7.5 pole miles of toll line from the Kittanning Telephone Co., and latter company to acquire by purchase certain properties of the Bell Telephone Co. of Pennsylvania, serving 632 subscribers, with 37 pole miles of toll line, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire by purchase certain properties of the Lehigh Telephone Co., serving 12,410 subscribers, with 150 pole miles of toll lines, and to acquire control of the Lehigh Telephone Co. by purchase of capital stock; and Lehigh Telephone Co. to acquire by purchase certain properties of the Bell Telephone Co. of Pennsylvania, serving 30,861 subscribers, with 200 pole miles of toll lines, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire by purchase certain properties of the Enterprise Telephone & Telegraph Co., serving 194 subscribers, with 7 pole miles of toll line; and latter company to acquire by purchase certain properties of the Bell Telephone Co. of Pennsylvania, serving 69 subscribers, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire by purchase the properties of the Tri State Telephone Co., serving 3,106 subscribers, with 120 pole miles of toll lines, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire by purchase the properties of the Beaver County Telephone Co., serving 883 subscribers, with 11.5 pole miles of toll lines, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire by purchase the properties of the Penn State Telephone Co., serving 12,525 subscribers, with 628 pole miles of toll lines, in Pennsylvania.

Cumberland Telephone & Telegraph Co. to acquire by purchase the properties of the Sun Telephone & Telegraph Co., the Southern Telephone & Telegraph Co., and the Stantonville Telephone Co., serving a total of 3,831 subscribers, with 175 pole miles of toll lines, in Mississippi, Tennessee, and Alabama.

Indiana Bell Telephone Co. to acquire by purchase the properties of the Louisville Home Telephone Co. (Inc.), serving 4,046 subscribers, in Indiana.

Meadville Telephone Co. to acquire by purchase certain properties of the Bell Telephone Co. of Pennsylvania, serving 1,253 subscribers, with 25.4 pole miles of toll lines, in Pennsylvania.

Mountain States Telephone & Telegraph Co. to acquire by purchase the telephone properties of J. E. Allen, doing business as the Lordsburg & Duncan Telephone Co., serving 187 subscribers, with 44 pole miles of toll lines, in New Mexico and Arizona.

Mountain States Telephone & Telegraph Co. to acquire by purchase the properties of the Taos Telephone Co., serving 96 subscribers, with 120 pole miles of toll lines, in New Mexico.

New York Telephone Co. to acquire control of the Erie-Wyoming Telephone Co. by purchase of capital stock, which company serves 447 subscribers, with 20 pole miles of toll lines, in New York.

Piedmont Telephone & Telegraph Co. to acquire by purchase the properties of the Rutherford County Telephone Co., serving 854 subscribers, in North Carolina.

Southern Bell Telephone & Telegraph Co. to acquire by purchase the telephone properties of Max L. James and A. J. Evans, serving 460 subscribers, with 6 pole miles of toll lines, in Georgia.

Southern Bell Telephone & Telegraph Co. to acquire by purchase the telephone properties of Robert L., William E., and Vernon Horsman, serving 586 subscribers, in Florida.

Southern Bell Telephone & Telegraph Co. to acquire by purchase the telephone properties of Eugene Morrison, Ross S. McElwee, L. J. Freel, and J. G. Shelton, serving 1,481 subscribers, with 30 pole miles of toll lines, in North Carolina.

Southern Bell Telephone & Telegraph Co. to acquire by purchase the properties of the Fort Lauderdale Telephone Co., serving 363 subscribers, in Florida.

Southwestern Bell Telephone Co. to acquire by purchase the telephone properties of James Thompson and D. E. McArthur, doing business as the Sand Springs Telephone Co., serving 937 subscribers, in Oklahoma.

York Telephone & Telegraph Co. to acquire by purchase certain properties of the Bell Telephone Co. of Pennsylvania, serving 2,710 subscribers, in Pennsylvania.

CERTIFICATES ISSUED IN SETTLEMENT UNDER SECTION 204 OF THE TRANSPORTATION ACT, 1920, DURING THE YEAR ENDED OCTOBER 31, 1925

Name of carrier	Gross amount due	Deductions on account of traffic balances
Birmingham, Columbus & St. Andrews	\$1,432.47	
Blaney & Southern	6,279.84	
Butte, Anaconda & Pacific	487,116.31	
California, Shasta & Eastern	13,905.92	
Delaware Valley	1,709.55	
La Crosse & Southeastern	4,515.82	\$556.74
Ligonier Valley	12,538.17	
New Haven & Dunbar	71.10	
Newport & Sherman's Valley	8,138.71	13,884.69
Oakdale & Gulf	11,887.15	
Pacific & Eastern	3,670.87	21,891.21
Salt Lake, Garfield & Western	29,230.51	
Saratoga & Encampment	4,291.62	
St. Louis & Hannibal	7,894.73	4,000.00
Tooele Valley	30,343.81	
Wyandotte Terminal	¹ 65,305.15	
Yreka	9,801.07	
Total	698,132.80	40,332.64

¹ Supplemental payment.

CASES DISMISSED UNDER SECTION 204 OF THE TRANSPORTATION ACT, 1920, DURING THE YEAR ENDED OCTOBER 31, 1925

Timpson & Henderson.

CERTIFICATES ISSUED IN SETTLEMENT UNDER SECTION 209 OF THE TRANSPORTATION ACT, 1920, DURING THE YEAR ENDED OCTOBER 31, 1925

Carrier	Amount ¹	Carrier	Amount ¹
Alexandria & Western.....	\$2,997.65	Interstate.....	\$194,882.31
American Railway Express.....	2,010,788.70	Kansas City Southern.....	362,453.02
Bath & Hammondsport.....	4,150.68	Mammoth Cave.....	³ 6,818.84
Belington & Northern.....	2,621.92	Muncie & Western.....	4,226.13
Chicago & Alton.....	526,085.83	Nevada Copper Belt.....	3,225.44
Chicago, Indianapolis & Louisville.....	198,484.95	New York, Philadelphia & Norfolk.....	317,745.18
Colorado & Southern.....	505,035.91	Northern Pacific.....	1,269,905.20
Cooperstown & Charlotte Valley.....	4,484.41	Pennsylvania.....	12,250,596.39
Cumberland Valley & Martinsburg.....	15,017.66	Peoria Railway Terminal.....	³ 9,650.04
Delaware & Hudson Co.....	438,028.85	Pittsburgh, Cincinnati, Chicago & St. Louis.....	6,421,446.24
Detroit & Toledo Shore Line.....	148,585.95	Sandy Valley & Elkhorn.....	189,944.79
Detroit, Bay City & Western.....	² 52,779.99	Schoharie Valley.....	274.94
Detroit, Toledo & Ironton.....	60,621.77	Vicksburg, Shreveport & Pacific.....	106,832.66
Fort Dodge, Des Moines & Southern.....	69,065.55	Wheeling Terminal.....	31,205.18
Georgia & Florida.....	82,645.62		
Grand Rapids & Indiana.....	772,464.32		
Great Northern.....	1,321,112.69	Net amount certified for payment.....	21,344,567.92
Hocking Valley.....	453,630.97		

¹ Figures in italic represent amount due to the United States.

² Supplemental payment.

³ Certificate previously issued, showing this amount due to the United States, canceled.

CARRIERS COVERED BY SETTLEMENT CERTIFICATES ISSUED UNDER SECTION 209, TRANSPORTATION ACT, 1920, TO CONTROLLING CARRIER, DURING THE YEAR ENDED OCTOBER 31, 1925

Name of carrier	Controlling carrier
Champlain Transportation.....	Delaware & Hudson.
Lake George Steamboat.....	Do.
Fort Worth & Denver City.....	Colorado Southern.
Wichita Valley.....	Do.
Arkansas Western.....	Kansas City Southern.
Poteau Valley.....	Do.
Texarkana & Fort Smith.....	Do.
Big Fork & International Falls.....	Northern Pacific.
Billings & Central Montana.....	Do.
Gilmore & Pittsburgh R. R. Co. (Ltd.).....	Do.
Minnesota & International.....	Do.
Farmers' Grain & Shipping.....	Great Northern.
Watertown & Sioux Falls.....	Do.
New York Bay.....	Pennsylvania.
Union R. R. Co. of Baltimore.....	Do.

CASES DISMISSED UNDER SECTION 209 OF THE TRANSPORTATION ACT, 1920, DURING THE YEAR ENDED OCTOBER 31, 1925

Delaware Valley.	Long Fork.
Kansas City Terminal.	Mammoth Cave.

LOANS CERTIFIED TO THE SECRETARY OF THE TREASURY UNDER SECTION 210 OF THE TRANSPORTATION ACT, 1920, AS AMENDED, SINCE THE EFFECTIVE DATE OF SAID ACT; REPAYMENTS MADE ON ACCOUNT OF SUCH LOANS, AND STATUS OF THE REVOLVING FUND CREATED BY SAID SECTION

Name of carrier	Total loans	Total repayments	Net certified indebtedness
Akron, Canton & Youngstown.....	\$212,000.00	\$212,000.00	-----
Alabama & Vicksburg.....	1,394,000.00	1,394,000.00	-----
Alabama, Tennessee & Northern.....	489,000.00	96,250.00	\$392,750.00
Ann Arbor.....	650,000.00	360,000.00	290,000.00
Aransas Harbor Terminal.....	50,000.00	-----	50,000.00
Atlanta, Birmingham & Atlantic.....	200,000.00	20,000.00	180,000.00

Loans certified to the Secretary of the Treasury under Section 210 of the Transportation Act, 1920, etc.—Continued

Name of carrier	Total loans	Total repayments	Net certified indebtedness
Baltimore & Ohio.....	¹ \$8,200,000.00	\$5,300,000.00	\$2,900,000.00
Bangor & Aroostook.....	² 253,100.00	169,100.00	84,000.00
Birmingham & Northwestern.....	75,000.00	75,000.00	-----
Boston & Maine.....	26,705,479.00	5,000,000.00	21,705,479.00
Buffalo, Rochester & Pittsburgh.....	1,000,000.00	1,000,000.00	-----
Cambria & Indiana.....	250,000.00	250,000.00	-----
Carolina, Clinchfield & Ohio.....	10,000,000.00	10,000,000.00	-----
Central New England.....	300,000.00	-----	300,000.00
Central of Georgia.....	237,900.00	237,900.00	-----
Central Vermont.....	193,000.00	52,000.00	141,000.00
Charles City Western.....	140,000.00	-----	140,000.00
Chesapeake & Ohio.....	9,097,000.00	1,023,976.03	8,073,023.97
Chicago & Eastern Illinois.....	785,000.00	-----	785,000.00
Chicago & Western Indiana.....	8,000,000.00	384,000.00	7,616,000.00
Chicago Great Western.....	2,685,373.00	480,000.00	2,205,373.00
Chicago, Indianapolis & Louisville.....	200,000.00	45,000.00	155,000.00
Chicago, Milwaukee & St. Paul.....	70,340,000.00	35,340,000.00	35,000,000.00
Chicago, Rock Island & Pacific.....	³ 11,430,540.00	3,568,540.00	7,862,000.00
Cisco & Northern.....	236,450.00	-----	236,450.00
Cowlitz, Chehalis & Cascade.....	45,000.00	45,000.00	-----
Cumberland & Manchester.....	375,000.00	-----	375,000.00
Erie.....	11,574,450.00	-----	11,574,450.00
Evansville, Indianapolis & Terre Haute.....	400,000.00	400,000.00	-----
Fernwood, Columbia & Gulf.....	33,000.00	13,000.00	20,000.00
Flemingsburg & Northern.....	7,250.00	7,250.00	-----
Fort Dodge, Des Moines & Southern.....	200,000.00	-----	200,000.00
Fort Smith & Western.....	156,000.00	-----	156,000.00
Gainesville & Northwestern.....	75,000.00	-----	75,000.00
Georgia & Florida.....	792,000.00	-----	792,000.00
Great Northern.....	33,496,000.00	33,496,000.00	-----
Greene County.....	60,000.00	24,000.00	36,000.00
Gulf, Mobile & Northern.....	1,433,500.00	1,433,500.00	-----
Hocking Valley.....	1,665,000.00	-----	1,665,000.00
Illinois Central.....	4,440,000.00	4,440,000.00	-----
Indiana Harbor Belt.....	579,000.00	579,000.00	-----
International & Great Northern.....	194,300.00	194,300.00	-----
Inter-Urban.....	633,500.00	-----	633,500.00
Kansas City, Mexico & Orient.....	5,000,000.00	2,500,000.00	2,500,000.00
Kansas City Terminal.....	580,000.00	580,000.00	-----
Lake Erie, Franklin & Clarion.....	25,000.00	10,000.00	15,000.00
Long Island.....	719,000.00	719,000.00	-----
Louisville & Jeffersonville Bridge & Railroad.....	162,000.00	15,000.00	147,000.00
Maine Central.....	2,373,000.00	-----	2,373,000.00
Minneapolis & St. Louis.....	⁴ 1,768,190.00	23,549.98	1,744,640.02
Missouri & North Arkansas.....	3,500,000.00	-----	3,500,000.00
Missouri, Kansas & Texas of Texas.....	450,000.00	450,000.00	-----
Missouri Pacific.....	10,071,760.00	4,682,000.00	5,389,760.00
New Orleans, Texas & Mexico.....	⁵ 1,160,000.00	1,160,000.00	-----
New York Central.....	26,775,000.00	26,775,000.00	-----
New York, New Haven & Hartford.....	27,530,000.00	400,000.00	27,130,000.00
Norfolk Southern.....	1,666,000.00	150,900.00	1,515,100.00
Northern Pacific.....	6,000,000.00	6,000,000.00	-----
Pennsylvania.....	12,480,000.00	12,480,000.00	-----
Peoria & Pekin Union.....	1,799,000.00	1,799,000.00	-----
Rutland.....	61,000.00	61,000.00	-----
Salt Lake & Utah.....	1,900,000.00	127,400.00	872,600.00
Seaboard Air Line.....	⁶ 19,857,400.00	1,792,500.00	18,064,900.00
Shearwood.....	29,000.00	-----	29,000.00
Tampa Northern.....	100,000.00	100,000.00	-----
Tennessee Central.....	1,500,000.00	-----	1,500,000.00
Terminal Railroad Association of St. Louis.....	896,925.00	896,925.00	-----
Toledo, St. Louis & Western.....	692,000.00	184,000.00	508,000.00
Trans-Mississippi Terminal.....	1,000,000.00	1,000,000.00	-----
Virginia Blue Ridge.....	106,000.00	-----	106,000.00
Virginia Southern.....	38,000.00	-----	38,000.00
Virginian.....	2,000,000.00	2,000,000.00	-----
Waterloo, Cedar Falls & Northern.....	1,320,000.00	60,000.00	1,260,000.00
Western Maryland.....	3,422,800.00	700,000.00	2,722,800.00
Wheeling & Lake Erie.....	⁷ 6,764,000.00	1,601,501.70	5,162,498.30
Wichita Northwestern.....	381,750.00	-----	381,750.00
Wilmingon, Brunswick & Southern.....	90,000.00	-----	90,000.00
Total.....	350,600,667.00	171,907,592.71	178,693,074.29

¹ Includes \$5,200,000 loaned through National Railway Service Corporation.² Includes \$53,100 loaned through National Railway Service Corporation.³ Includes \$1,568,540 loaned through National Railway Service Corporation.⁴ Includes \$386,190 loaned through National Railway Service Corporation.⁵ Includes \$926,000 loaned through National Railway Service Corporation.⁶ Includes \$4,400,000 loaned through Seaboard Bay-Line Company.⁷ Includes \$3,304,000 loaned through National Railway Service Corporation.

STATUS OF REVOLVING FUND

Appropriation.....	\$300,000,000.00
Accrued interest and repayments of principal paid to Oct. 31, 1925.....	227,338,985.69
Total.....	527,338,985.69
Tentatively reserved for claims, judgments, etc., arising out of Federal control.....	40,000,000.00
Balance available for loans.....	487,338,985.69
Total loans certified.....	350,600,667.00
Unencumbered balance.....	136,738,318.69

PAYMENTS MADE BY CARRIERS OF ONE-HALF OF THEIR EXCESS NET RAILWAY OPERATING INCOME, AS PRELIMINARILY COMPUTED, UNDER PARAGRAPH (6) OF SECTION 15a OF THE INTER-STATE COMMERCE ACT, DURING THE YEAR ENDED OCTOBER 31, 1925

Name of carrier	Year to which applicable—					Total
	1920	1921	1922	1923	1924	
Augusta R. R. Co.....					\$47.83	\$47.83
Augusta Northern Ry.....					3,308.19	3,308.19
Brimstone R. R. & Canal Co.....				\$15,136.08		15,136.08
Chicago, West Pullman & Southern R. R. Co.....				5,035.68		5,035.68
Cornwall R. R. Co.....	\$22,883.79		\$12,741.00	13,413.35		49,038.14
Cowlitz, Chehalis & Cascade Ry.....				1,500.00		1,500.00
Dayton-Goose Creek Ry. Co.....					21,827.03	21,827.03
Dayton Union Ry. Co.....				963.81		963.81
Detroit, Toledo & Ironton R. R. Co.....					239,461.63	239,461.63
Port Worth Belt Ry. Co.....					19,865.44	19,865.44
Genesee & Wyoming R. R. Co.....					61,208.16	61,208.16
Hannibal Connecting R. R. Co.....			10,619.33	6,913.16		17,532.49
Ironton R. R. Co.....					132,946.29	132,946.29
Johnstown & Stony Creek R. R. Co.....			1,162.49			1,162.49
La Salle & Bureau County R. R. Co.....			5,701.72	6,695.90	6,024.23	18,421.85
Ligonier Valley R. R. Co.....	37,521.23	\$4,035.60	21,608.44			63,165.27
Ludington & Northern Ry.....	38.14	1,448.39				1,486.53
Mount Hope Mineral R. R. Co.....				395.36		395.36
Philadelphia, Bethlehem & New England R. R. Co.....			24,569.83	24,365.52		48,935.35
Pittsburgh, Lisbon & Western R. R. Co.....	2,341.50			1,477.07		3,818.57
Port Huron & Detroit R. R. Co.....				7,669.43		7,669.43
Potato Creek R. R. Co.....			1,005.81			1,005.81
San Antonio Southern Ry. Co.....	2,460.86					2,460.86
Santa Maria Valley R. R. Co.....	3,500.00					3,500.00
Sioux City Terminal Ry. Co.....					3,879.18	3,879.18
Steelton & Highspire R. R. Co.....					2,156.98	2,156.98
Trinity Valley Southern R. R. Co.....					84.72	84.72
Tuskegee R. R. Co.....				1,016.53	1,464.37	2,480.90
Unity Railways Co.....					2,356.33	2,356.33
Warrenton R. R. Co.....					455.87	455.87
Washington, Brandywine & Point Lookout R. R. Co.....				85.19		85.19
Wichita Falls & Southern R. R. Co.....					369.71	369.71
Wyandotte Terminal R. R. Co.....					687.17	687.17
Total.....	68,745.52	5,483.99	77,408.62	84,667.08	496,143.13	732,448.34

APPENDIX G

- I. MINUTE OF THE COMMISSION RESPECTING PROCEDURE IN CASES JOINTLY HEARD BY THE COMMISSION'S EXAMINERS AND STATE COMMISSIONS
- II. JOINT COMMITTEE REPORT OF THE COMMITTEE ON COOPERATION OF THE INTERSTATE COMMERCE COMMISSION AND THE COMMITTEE ON COOPERATION OF THE NATIONAL ASSOCIATION OF RAILROAD AND UTILITIES COMMISSIONERS

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I. MINUTE ADOPTED BY THE COMMISSION NOVEMBER 3, 1924

MEMORANDUM TO EXAMINERS:

The following minute respecting procedure concerning arguments and conferences between the commission's examiners and State commissions in cases which have been jointly heard under the cooperative plan has been adopted by the commission and is submitted to you for your information and guidance:

Arguments.—When a joint hearing is held under the cooperative plan and the case afterwards comes to argument before this commission, it is to be understood that the cooperating State commissioners will be expected to sit with us at the argument, if they so desire, and afterwards to take part in a joint conference to consider the disposition of the case. Notice of the assignment for oral argument will be sent to the interested State commission or commissions in each instance, and this notice will be understood to carry with it an invitation to the State commissioners to be present at the oral argument and sit with us in conference when held. It is suggested, however, that in response to the notice the State commission or commissions should seasonably advise the secretary of this commission of the number who will be present, in order that seating arrangements may be made.

Conferences with examiners.—At the conclusion of a joint hearing our presiding examiner and the participating State commissioners may, if practicable, hold an informal conference for an exchange of views in the case. It is obvious, of course, that in many cases the difficulties and complexities of the cases will make a satisfactory exchange of views impracticable at such times, in which event the State commissioners may give him the benefit of their views, in writing or otherwise, as may be convenient, before his report is served. It will, of course, be understood that under our practice the proposed report embodies the independent views of the examiner. At the same time it is believed that an exchange of views with the State commissioners may aid the examiner in formulating his proposed report. A similar course is contemplated with respect to the forthcoming decisions of the State commissions based upon the record made in joint hearings.

Where there has been no oral argument or the State commissioners have been unable to be present, an exchange of views in writing, or by joint conference, may be desirable.

U. BUTLER, *Chief Examiner.*

DECEMBER 1, 1924.

II. REPORT ADOPTED BY THE COMMISSION, OCTOBER 17, 1925

JOINT COMMITTEE REPORT OF THE COMMITTEE ON COOPERATION OF THE INTER-STATE COMMERCE COMMISSION AND THE COMMITTEE ON COOPERATION OF THE NATIONAL ASSOCIATION OF RAILROAD AND UTILITIES COMMISSIONERS

October 12, 1925

The committee on cooperation representing the Interstate Commerce Commission and the committee on cooperation representing the National Association of Railroad and Utilities Commissioners, having met in conference for the consideration of cooperation in matters and cases coming before the respective commissions, have formulated the following report, which is submitted to the Interstate Commerce Commission and to the National Association of Railroad and Utilities Commissioners for adoption.

AGREED STATEMENT OF PRINCIPLES

The joint committee report of May 3, 1922, so far as practicable, is reincorporated herein.

Cooperation is but the working together for a common object or to a common end or result, which end or result is the best possible regulation of the railroads and utilities mutually under the jurisdiction of the respective Federal and State commissions.

Public regulation of our railroads is performed in part by a commission representing the Federal Government and in part by commissions representing the various States. Conflicts of jurisdiction between the two systems of public regulation have arisen from time to time, resulting in litigation and action by the courts; but the Federal and State commissions were alike created in the public interest and have a common purpose, namely, the maintenance of a transportation system which will in all respects best meet the public needs. In view of this common purpose they should, and we believe they can, work together for its attainment without conflict or resort to litigation. Such cooperation is contemplated by the interstate commerce act as interpreted by the Supreme Court, and is highly desirable in the public interest.

The prime essential to such cooperation is realization of the nature and difficulties of the common problem. The State commissions realize that the railroads form a national transportation system and that the public interest demands a rate structure, State and interstate, as simple and harmonious as practicable. The Interstate Commerce Commission realizes that there is danger in overcentralization of authority, that the field of regulation is vast, and that the State commissions are often better informed than itself in regard to local conditions and local needs.

In one of its most important aspects, cooperation must look forward to and have in view the avoidance, so far as the public interest will permit, of orders under section 13 of the interstate commerce act, affecting intrastate rates.

Paragraph (3) of section 13 of the interstate commerce act authorizes the Interstate Commerce Commission to avail itself of the cooperation, services, records, and facilities of State commissions, to confer with them with respect to the relationship between rate structures and practices of carriers, and to hold joint hearings with them "where the rate-making authority of a State is or may be affected by the action taken by the commission." Our common purpose is to give the utmost force and effect to this provision of the law.

While cooperation between the Interstate Commerce Commission and the State commissions must in the nature of things be of the spirit and not a matter of rules and regulations, we are of the opinion that the following suggested procedure, with such modifications as time and experience shall prove advisable, and, except in special cases where it may be found necessary or desirable to deviate therefrom, should be followed:

PROCEDURE RECOMMENDED

1. Whenever a petition is filed with the Interstate Commerce Commission alleging that intrastate rates unjustly discriminate against interstate commerce, or persons or localities engaged therein, and asking the Federal commission to remove such discrimination, the State commission of the State or States affected thereby shall immediately be notified of such petition by the Federal commission. If either a State commission having jurisdiction over rates thus attacked, or the Federal commission desires a conference thereon, it should notify the other without delay, and thereupon such conference should be arranged, likewise

without delay. If the case goes to trial, a joint hearing by the Interstate Commerce Commission and the commission of the State affected should be held, provided a proceeding or proceedings be pending before the State commission in which action can be taken upon the common record. Such joint hearing should be followed by conference to consider the facts developed of record so as to provide opportunity for the removal of the unlawful discrimination, if any, by agreement.

2. Joint conference should be held on complaints attacking interstate rates in those cases where the decision of the Interstate Commerce Commission appears likely to affect, in substantial and important respects, the relationship between State and interstate rate structures; likewise, conferences should be held in the case of complaints attacking interstate rates in those cases where the decision of the State commission appears likely to affect, in substantial and important respects, the relationship between State and interstate rate structures; and a joint hearing may be mutually agreed upon, with conferences on the record in either of such classes of cases.

Participation in such hearings or in conferences following submission will be upon invitation of the Interstate Commerce Commission, if the complaint is filed with it, or of the State commission, if the complaint is filed with it; but this shall not preclude either the Federal or a State commission from suggesting a conference in either a State or a Federal case where it shall appear to the one commission that the decision by the other commission may affect in substantial and important respects the rates primarily within the jurisdiction of the other commission.

Joint hearings will be appropriate where similar issues are pending before the Interstate Commerce Commission and a State commission, or informal conferences pending the decision of cases where there has been no participation in the prior hearings.

3. The provisions of the foregoing paragraph (2) include cases where it appears that the rate structures of two or more States, or in a group of States, may be affected by the proceedings pending. If by reason of the number of States affected, or otherwise, it shall be found impracticable or inconvenient for a member or employee of the commission of each such State to participate in the joint hearings or conferences, the commissions of the States affected should select a limited number of representatives to so participate on their behalf and to report back to the several State commissions for appropriate action by them: *Provided*, The commission of any State may appoint a representative or representatives to sit with the examiner or examiners of the Interstate Commerce Commission in joint hearings or conferences.

4. It shall be considered appropriate and desirable for either the Federal or State commission to suggest a conference to the other on any matter or proceeding where the one commission may be of the opinion that matters of mutual concern are involved and where cooperation may be had to advantage.

5. It is our judgment that State commissioners or their representatives would not expect or desire to sit with members of the Interstate Commerce Commission or its examiners in joint hearings in any case in which they appear as advocates. This is not to be understood as precluding a State commission from causing pertinent evidence to be presented in any such case with respect to the matters in issue.

6. The Federal and State commissions should feel free to suggest to each other, and the State commissions to hold among themselves, conferences on matters arising under their respective jurisdictions, with a view to harmonizing in so far as practicable rates and practices in neighboring States by appropriate action of

the commissions of those States without proceedings before the Federal commission.

7. It is desirable that there be continued, in so far as practicable, the practice of the Interstate Commerce Commission of calling upon a State commission to hold hearings for it upon applications for certificates of public convenience and necessity, involving construction of new lines or abandonment of old lines. In such matters joint conferences between the Interstate Commerce Commission and a State commission may also be held upon the request of either commission.

8. In joint hearings involving interstate rates, the rules of practice prescribed by the Interstate Commerce Commission shall govern as far as applicable.

9. When a joint hearing is held under the cooperative plan and the case afterwards comes to argument before the Interstate Commerce Commission, it is to be understood that the cooperating State commissioners will be expected to sit with the Interstate Commerce Commission at the argument, if they so desire, and afterwards to take part in a joint conference to consider the disposition of the case. Notice of the assignment for oral argument will be sent to the interested State commission or commissions in each instance, and this notice will be understood to carry with it an invitation to the State commissioners to be present at the oral argument and sit with the Interstate Commerce Commission in conference when held. It is suggested, however, that in response to the notice the State commission or commissions should seasonably advise the secretary of the Interstate Commerce Commission of the number who will be present in order that seating arrangements may be made.

The aim is to establish the understanding that cooperative action involves always opportunity to sit at the argument and in subsequent conferences. However, special invitations will not be sent by the Interstate Commerce Commission, and it will be understood that cooperating State commissioners will act upon information contained in the mimeographed notice from the section of dockets, if they desire to sit at the argument.

At the conclusion of a joint hearing the presiding Interstate Commerce Commission examiner and the participating State commissioners of State commission representatives may, if practicable, hold an informal conference for an exchange of views in the case. It is obvious, of course, that in many cases the difficulties and complexities of the cases will make a satisfactory exchange of views impracticable at such times, in which event such State commissioners or State commission representatives may give the Interstate Commerce Commission examiner the benefit of their views in writing or otherwise, as may be convenient, before the proposed report of the Interstate Commerce Commission examiner is served. It will, of course, be understood that under the Interstate Commerce Commission practice the proposed report embodies the independent views of the examiner. At the same time, it is believed that an exchange of views with the State commissioners may aid the examiner in formulating his proposed report. A similar course is contemplated with respect to the forthcoming decisions of the State commissions based upon the record made in joint hearings: *Provided*, State commissioners or State commission representatives may indicate to the Interstate Commerce Commission their separate views, in writing.

Where there has been no oral argument, or the State commissioners have been unable to be present, an exchange of views, in writing or by joint conference, may be desirable.

10. The Interstate commerce act and the rules of the Interstate Commerce Commission provide for notice to the States in certain matters affecting them, and the Interstate Commerce Commission has been complying therewith. A State commission should advise the Interstate Commerce Commission of matters

or proceedings before it in which it believes the Interstate Commerce Commission has an interest, as indicated in the foregoing text, by reason of the fact that interstate commerce may be affected by action of the State commission.

11. The utmost promptitude compatible with the circumstances is urged in order that cooperative action between the Federal and the State commissions may not be productive of delay in disposing of important matters and cases.

12. Applying the cooperative principle, conferences may be arranged for the development of car service, distribution, and administration, and in other matters which may occur to either the Federal or a State commission where it is the opinion that cooperation may be beneficial or advisable.

Adopted by the Interstate Commerce Commission this 17th day of October, 1925.

Adopted by the National Association of Railroad and Utilities Commissioners this 14th day of October, 1925.

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